Other hazardous substances and environmental cleanup

This bill authorizes a local governmental unit to recover costs it incurs in cleaning up a property on which a hazardous substance has been discharged if the local governmental unit acquired the property in one of several specified ways, including through tax delinquency proceedings or condemnation. The local governmental unit may recover the costs from a person who possessed or controlled the hazardous substance at the time that the local governmental unit acquired the property or who caused the discharge of the hazardous substance, unless the person is exempt from the requirement to clean up the property under the hazardous substances spills law.

This bill creates a brownfields site assessment grant program to be administered by DNR. Under the program, cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities may apply for a grant to conduct preliminary clean–up activities at brownfield sites. The grants specifically cover the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and asbestos. Applicants who receive a grant under the program must contribute matching funds equal to 20% of the grant and are required to pay back the grant if they receive a loan under the land recycling loan program to conduct the same clean–up activities.

Currently, under the land recycling loan program, this state provides loans to cities, villages, towns and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are provided at subsidized interest rates.

This bill provides that recipients of loans under the land recycling loan program are not required to pay any interest. The bill also makes redevelopment authorities and housing authorities eligible for loans under the program.

The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 1999–2001 fiscal biennium at $9,400,000.

Under current law, the department of commerce regulates tanks that store flammable and combustible liquids. This bill requires the department of commerce also to regulate tanks that store liquids that are considered hazardous substances under the federal Superfund Act. Under current law, the department of commerce collects a $100 groundwater fee for plan review and approval for tanks that store flammable and combustible liquids and that have a capacity of 1,000 gallons or more. Under this bill, the groundwater fee also applies to plan review of tanks that store liquids that are considered hazardous substances under the federal Superfund Act and that have a capacity of 1,000 gallons or more.

WATER QUALITY

Under the clean water fund program, this state currently provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided is a loan at a subsidized interest rate. The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund program during that fiscal biennium. This bill sets the present value of the clean water fund program subsidies that may be provided during the 1999–2001 fiscal biennium at $87,400,000.

Currently, under the safe drinking water loan program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the safe drinking water loan program during that fiscal biennium. This bill sets the present value of the safe drinking water loan program subsidies that may be provided during the 1999–2001 fiscal biennium at $5,200,000.

Under current law, the state is authorized to contract public debt in an amount not to exceed $12,130,000 to fund the safe drinking water loan program. This bill increases that amount to an amount not to exceed $16,000,000.

One form of assistance that the clean water fund program, the safe drinking water program and the land recycling loan program provide is a loan at a subsidized interest rate. Another form of assistance is a payment to the board of commissioners of public lands to reduce interest payments on a loan from the board for a project that is eligible for assistance under one of the programs.

This bill provides that a payment to the board of commissioners of public lands under the clean water fund program, the safe drinking water loan program or the land recycling loan program may not exceed the amount of subsidy necessary to provide the loan directly under the clean water fund program, the safe drinking water loan program or the land recycling loan program.

Under current law, DNR, in conjunction with the department of agriculture, trade and consumer protection (DATCP), the land and water conservation board (LWCB) and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Current law authorizes the issuance of general obligation bonds as one source of funding for the financial assistance under the nonpoint source program. This bill increases the bonding authority for the nonpoint source program from $34,363,600 to $48,763,600.

Current law authorizes DNR to provide cost–sharing grants for projects to assist agricultural facilities to comply with nonpoint source water pollution control requirements established by DNR and DATCP. These cost–sharing grants are

currently funded with proceeds of general obligation bonds. This bill increases the bonding authority for the cost–sharing grants from $2,000,000 to $4,000,000.

Under current law, the nonpoint source program is funded with general purpose state revenues, segregated revenues from the environmental fund and proceeds of state bonds. This bill provides additional funds for financial assistance under the nonpoint source program from moneys paid to this state under Indian gaming compacts. The bill also provides funds to be paid to the Oneida Nation under the nonpoint source program from moneys paid to this state under Indian gaming compacts.

Under current law, persons who discharge wastewater into the waters of this state are required to pay an annual wastewater discharge fee to DNR. DNR is required to structure the fee so that municipalities that are subject to the fee pay 50% of the total charged and other persons that are subject to the fee pay the other 50%. Currently, DNR may not charge total fees that exceed $7,450,000. This bill changes the cap on the wastewater discharge fee to $7,925,000.

Under current law, DNR and the department of health and family services establish standards for the concentration of contaminants in groundwater. When the groundwater standards are exceeded, action must be taken under this state's groundwater law. This bill authorizes DNR to charge a fee for placing information concerning a property on which a groundwater standard is exceeded into a database.

AIR QUALITY

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This bill establishes a new facility fee for stationary sources that emit a total of at least five tons of the pollutants on which the current fee is based. The fee ranges from $50 to $20,000, depending on the total amount of those pollutants emitted.

Under current law, generally a person may not begin construction of a stationary source of air pollution without a construction permit issued by DNR. This bill authorizes DNR to issue general construction permits, each of which may cover numerous similar stationary sources of air pollution.

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects regulated by DNR. The fees may not exceed $200 per project. This bill raises the limit on fees for inspecting nonresidential asbestos demolition and renovation projects to $210.

Under current law, the department of justice (DOJ) generally is responsible for taking actions in court to enforce environmental laws. This bill authorizes DNR to issue a citation (similar to a traffic ticket) if it determines that a person has violated certain of DNR's rules related to asbestos abatement and management. The bill requires DNR to promulgate rules, which must be approved by DOJ, specifying the violations for which citations may be issued. Under the bill, the same procedures are used for the issuance of a citation and the collection of a forfeiture as are used for hunting and fishing violations.

RECYCLING

Under current law, DNR administers a financial assistance program to assist with costs related to operating recycling programs and for complying with the prohibition on disposing of yard waste in landfills. The amount of a grant under the program is generally the lesser of 66% of eligible net costs or $8 per person served, except that, if the lesser of those two amounts is less than 33% of the eligible expenses, the amount of the grant is 33% of the eligible expenses.

This bill reduces the maximum amount of a grant that may be awarded under this financial assistance program. Under the bill, the amount of a grant is the greater of 66% of eligible net costs or 33% of the eligible expenses, except that the grant may not exceed $8 per person. This change effectively sets a maximum grant amount of $8 per person and makes grants based on 33% of the eligible expenses subject to proration of grants if the sum of grants payable under the program exceeds available funds. The financial assistance program currently expires after 2000. This bill extends the program through 2001.

Current law prohibits the disposal of listed recyclable materials in a landfill. The prohibition does not apply to any city, village, town, county or other governmental unit that is responsible for the region's solid waste management (responsible unit) and that operates an effective recycling program. A recycling program is an effective recycling program if it meets specified criteria. In addition to the exception from the disposal prohibition, a responsible unit that administers an effective recycling program is eligible for a state grant to reimburse the responsible unit for some of its costs incurred in operating the effective recycling program.

Under current law, beginning in 2000, a responsible unit's recycling program is an effective recycling program only if the responsible unit has in place a system of volume–based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state. This criterion does not apply to any responsible unit that separates for recycling at least 25% by volume or by weight of the solid waste collected within the region by the responsible unit or by any person under contract with the responsible unit, or to any responsible unit that provides solid waste to an operating solid waste treatment facility under a contract that was in effect on January 1, 1993.

This bill eliminates the requirement that, to have its recycling program considered an effective recycling program, a responsible unit have in place a system

of volume–based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state.

The recycling market development board (board), which is attached to the department of commerce and which will be eliminated on June 30, 2001, has various powers and duties related to recycling, including awarding financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste. The board may contract with other persons to accomplish any of its powers and duties. Funding for the board's contracts comes from the recycling fund. Funding for the financial assistance that the board awards comes from the recycling fund and from repayments of loans made by recipients of financial assistance awarded by the board. This bill eliminates the recycling fund as a funding source for the board's contracts and financial assistance and provides that the funding for both comes solely from repayments of loans made by recipients of financial assistance awarded by the board.

The department of commerce made loans before July 1, 1995, for various purposes related to recycling. Repayments of those loans are deposited in the recycling fund. This bill provides that repayments of those loans are to be used to fund the board's contracts and financial assistance that the board awards.

This bill requires DNR to award grants of $75,000 on September 1, 1999, and $50,000 on July 1, 2000, to the Wheelchair Recycling Project for the purpose of refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment.

OTHER ENVIRONMENT

In 1998, DNR and Winnebago County entered into an agreement under which the county agreed to accept sediments that are dredged from the Fox River and that are contaminated with polychlorinated biphenyls (PCBs) for disposal in the county's landfill.

This bill authorizes DNR to enter into an agreement with Winnebago County under which this state indemnifies the county against any liability or damage resulting from the county's acceptance of PCB–contaminated sediments if the sediments are disposed of in a manner approved by DNR. The bill also authorizes DNR to enter into an agreement with the city of Oshkosh under which this state indemnifies the city against any liability or damage resulting from the city accepting PCB–contaminated leachate from the landfill that contains the PCB–contaminated sediments.

Current law provides a process for negotiation and arbitration between a person who wishes to construct or expand a landfill or a hazardous waste facility and a committee representing those affected municipalities and counties that choose to participate in the process. An affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within 1,500 feet of the area in which waste would be treated, stored or disposed of. Other municipalities

may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county and other affected municipalities plus two, whichever is greater.

Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus two, whichever is greater.

Under current law, DNR may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or DATCP or certified or registered by another state or a federal agency that recognizes laboratory certification by DNR and that uses standards equivalent to this state's standards.

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory, this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

Under current law, DNR, the department of commerce and the board of regents of the University of Wisconsin (UW) System are required to promote hazardous pollution prevention, which means changes in processes or raw materials that reduce or eliminate the use or production of hazardous substances, toxic pollutants and hazardous waste. This bill requires DNR, the department of commerce and the board of regents of the UW System to promote pollution prevention, which means an action that prevents waste from being created, reduces the amount of waste that is created or changes the nature of waste being created in a way that reduces the hazards to public health or the environment posed by the waste.

GAMBLING

Under current law, the compensation paid to a retailer who sells lottery tickets is 5.5% of the retail price of the lottery tickets. In addition, under current law, the compensation paid to a retailer who sells scratch–off or instant games is 6.25% of the retail price of scratch–off or instant games. This bill authorizes the department of revenue to establish, by rule, a program to provide for additional compensation to be paid to retailers who meet certain performance goals. Under this program, the total compensation provided to retailers who meet the performance goals may not exceed 1.0% of gross lottery revenues.

Under current law, the department of health and family services may award grants to individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns. These grants are funded from the lottery fund, from revenues generated by pari–mutuel wagering and from moneys paid to the state under Indian gaming compacts. This bill provides that the grants must be funded entirely from moneys paid to the state under Indian gaming compacts.

HEALTH AND HUMAN SERVICES

LONG–TERM CARE; FAMILY CARE

Current law

Currently, home and community–based long–term care is provided to persons who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent as a benefit under one or more programs administered by the department of health and family services (DHFS). These programs are funded by federal, state or, in some instances, county moneys, and each program has individualized eligibility criteria and benefit restrictions. For elderly and disabled persons, these programs include medical assistance (MA), the long–term support community options program (COP), three community integration programs (CIPs) and community aids. MA is a comprehensive jointly funded federal–state health program for persons with low income and few assets. COP provides assessments of functionality and home and community–based care to, among others, elderly and disabled persons as an alternative to institutionalized care; one part of COP is funded by state moneys and the other part is funded under a joint federal–state program under a waiver of federal medicaid laws. Under other joint federal–state programs under waivers of federal medicaid laws, CIPs provide home and community–based services and continuity of care for persons relocated from institutions, including state centers for the developmentally disabled, and persons who meet requirements for MA reimbursement in nursing homes.

Currently, under a pilot project, DHFS contracts with a public or private entity to serve as a clearinghouse of information for individuals who are interested in home or community–based long–term support services or institutional long–term care services and to perform assessments to determine an individual's functional abilities, disabilities, personal preferences and need for home or community–based services or institutional services. Under a second pilot project, DHFS may contract with counties or federally recognized American Indian tribes or bands to demonstrate the ability of counties or tribes or bands to manage all long–term care programs under a long–term care management organization.

Currently, nursing homes are prohibited from admitting patients until a physician has completed a plan of care and the patient has been assessed under COP or the long–term care pilot project or has waived the assessment.

Creation of family care benefit, resource centers and care management organizations

This bill establishes a program of financial assistance for long–term care and support items, called a family care benefit, for persons who are eligible and are

enrolled in a care management organization, an entity whose attributes are established in this bill. The family care benefit is funded by general purpose revenues appropriated for MA, COP and community aids. DHFS must request from the federal secretary of health and human services any waivers of federal medicaid laws necessary to permit the use of federal moneys to provide the family care benefit to recipients of MA; however, regardless of whether a waiver is approved, DHFS may implement the family care benefit. Persons are eligible for, but not necessarily entitled to, the family care benefit if they are at least 18 years of age, do not have a primary disabling condition of mental illness, substance abuse or developmental disability and meet certain functional and financial eligibility criteria. A person is entitled to the family care benefit and may enroll in a care management organization if he or she is financially eligible, meets cost–sharing requirements and meets any of several functional eligibility requirements or if he or she has a primary disabling condition of developmental disability and was a resident of a county or member of a tribe or band that operated a care management organization under a pilot project. Divestment prohibitions, prohibitions on treatment of certain trusts, provisions on protection of income and resources of a couple for maintenance of a spouse in the community, and estate recovery provisions, all of which correspond to similar prohibitions and provisions under MA, apply to enrollees. A client may contest denial of eligibility, the determination of cost sharing, denial of entitlement, failure to provide timely services and support items in the plan of care, reduction of services or support items, development of an unacceptable plan of care and termination of the family care benefit, by filing a written request for a hearing within 45 days after receipt of notice of the contested matter.

The bill establishes requirements for a resource center, which, among other things, must provide information and referral services, determine functional and financial eligibility for the family care benefit, assist persons to enroll in a care management organization and determine eligibility for certain other benefits, including MA. Within six months after the family care benefit is available to all eligible persons in the area of the resource center, the resource center must provide information about its services to all older persons and persons with physical disabilities who reside in nursing homes, community–based residential facilities, adult family homes and residential care apartment complexes in the area of the resource center. A resource center must have a governing board that reflects the ethnic and economic diversity of the geographic area served by the resource center, and at least one–fourth of the governing board's members must be older persons or persons with physical or developmental disabilities or family members, guardians or other advocates of such persons.

The bill establishes requirements for a care management organization, which must accept the enrollment of persons who are entitled to the family care benefit, as well as the enrollment of persons who are eligible for the family care benefit and for whom funding is available. Under a contract with DHFS, the care management organization must, among other things, conduct a comprehensive assessment for each enrollee, develop a comprehensive care plan for the enrollee and provide or contract for the provision of necessary services. DHFS may, by contract, require

solvency protections for a care management organization. A care management organization must have a governing board that is subject to requirements that are similar to those for the governing board of a resource center. The bill specifically exempts a care management organization from requirements for licensure as a home health agency.

Under the bill, DHFS must prescribe and implement a per person monthly rate structure for costs of the family care benefit. DHFS also must prescribe and enforce performance standards for the operation of resource centers and care management organizations, conduct ongoing evaluations of the system implementing the family care benefit and ensure that independent organizations conduct reviews of the quality of management and service delivery of resource centers and care management organizations.

Family care district

This bill authorizes county boards of supervisors to create, on a single county or multicounty basis, family care districts. Under the bill, a family care district is a separate local unit of government, the primary purpose of which is to operate a resource center or a care management organization, but not both. The jurisdiction of the family care district is the county or counties of the county board or boards of supervisors who created the district. The family care district's board is appointed by the county board or boards of supervisors and must consist of 15 persons for a single county and, for a multicounty family care district, an additional member for each county in excess of two. Board members must be residents of the family care district's jurisdiction and must satisfy certain additional requirements.

The bill grants to a family care district various local government powers, including the power to adopt and alter an official seal; adopt bylaws and policies and procedures to regulate its affairs; sue and be sued; negotiate and enter into leases and contracts; employ agents, employes or special advisers; and buy, sell or lease property. However, a family care district may not issue bonds or levy a tax or assessment. Under the bill, a family care district must appoint a director, who must manage the family care district's property, business and employes. The family care district must also develop and implement a personnel structure and other employment policies. With respect to the hiring of employes who formerly were county employes to perform the same or substantially similar functions that they previously performed, the family care district must perform certain tasks to ensure that the employes' compensation, benefits, seniority and status in class under county employment are not diminished. If the county has established its own retirement system the county must include family care district employes in participation and applicable benefits.

Numerous laws that apply to special purpose districts and local units of government apply to the family care district, including, among others:

1. The members of the family care district governing board and the director of the family care district are subject to the code of ethics for local government officials.

2. The family care district is exempt from the sales and use taxes.

3. The family care district is subject to public employe occupational safety and health laws.

4. The family care district is governed by unemployment compensation laws.

5. The family care district may participate in the local governmental property insurance fund.

6. The family care district is governed by municipal administrative procedures concerning constitutionally protected rights.

7. Persons attempting to sue the family care district are subject to limitations on actions that may be brought against it and limitations as to the filing of the notice of the injury and recoverable damages.

The bill also provides that a family care district:

1. Must adhere to the open records laws, except in certain circumstances.

2. Must adhere to the open meetings laws.

3. Is subject to auditing by the legislative audit bureau and review of its performance by the joint legislative audit committee.

4. Is an employer for all purposes of the municipal employment relations laws; as such, employes of the district may organize and seek to establish all terms of wages, hours and conditions of employment through collective bargaining.

5. Is subject to prohibitions on public funding for abortions and for abortion–related activities.

6. May participate in the local government pooled–investment fund.

7. Is exempt from local property tax and income tax.

8. Is subject to laws regulating buildings and safety.

9. Is governed by state minimum wage and hour and family and medical leave laws and is subject to worker's compensation laws.

10. May participate in programs of state retirement, health and long–term care benefits, disability benefits and survivor benefits, deferred compensation plans, employe–funded reimbursement accounts and health insurance premium credits and be included as a coverage group under social security.

11. Is an employer for the purposes of coverage for group and individual health benefits and for small employer health insurance.

12. Is a municipality for the purposes of laws relating to the publication of legal notices.

Under the bill, obligations and debts of a family care district are not the obligations or debts of the county that created the family care district. A family care district may be dissolved by joint action of the family care district board and the county board or boards of supervisors that created the district, subject to performance of its contractual obligations and approval by the secretary of health and family services. If the family care district was created by more than one county, the county boards of supervisors that created the district must agree on the apportioning of the district's property before dissolution may occur.

Expansion of pilot projects

This bill authorizes DHFS to continue contracting with counties or American Indian tribes or bands under the current pilot projects until July 1, 2001. After that date, DHFS may contract with one or more entities certified as meeting requirements for a resource center and for services of an entity as a care management organization. During the first 24 months in which a county has a contract with

DHFS under which the county accepts a per person per month payment for each enrollee in the county's care management organization, the authority of DHFS to contract with another organization to operate a care maintenance organization in that county is restricted.

Under the bill, a county, an American Indian tribe or band, a family care district or an organization may not directly operate both a resource center and a care management organization. If a county board of supervisors and the county executive or county administrator apply to DHFS for a contract to operate a resource center, the county board may create a family care district to apply to DHFS for a contract to operate a care management organization; if the county board and the county executive or administrator apply for a contract to operate a care management organization, the county board may create a family care district to apply to DHFS for a contract to operate a resource center. If the governing body of an American Indian tribe or band elects to apply for a contract to operate a resource center, the tribe or band members may form a separate corporation to apply for a contract to operate a care management organization; if the governing body elects to apply for a contract to operate a care management organization, the tribe or band members may form a separate corporation to apply for a contract to operate a resource center. A county or family care district may apply jointly with a tribe or band or tribal or band corporation for a contract to operate a care management organization or resource center.

The bill authorizes a county department of social services, human services, developmental disabilities services or community programs or an aging unit authorized by the applicable county board of supervisors to apply to DHFS to operate a resource center or a care management organization. The bill also authorizes the secretary of health and family services, in order to facilitate the transition to the family care benefit system, to grant a county limited waivers to certain COP and CIP statutes and rules promulgated under those statutes.

Requirements of care facilities

This bill requires the secretary of health and family services to certify to each county, nursing home, community–based residential facility, adult family home and residential care apartment complex the date on which a resource center that serves the area of the county, home, facility or complex is first available to provide a functional and financial screen to specific groups of eligible individuals or for specified facilities. Each affected nursing home, community–based residential facility, adult family home and residential care apartment complex must inform prospective residents of the facility about the services of the resource center, the family care benefit and the availability of a functional and financial screen to determine eligibility. Also, these facilities and hospitals must refer to the resource center any person who seeks admission and who is aged at least 65 years or has a physical disability, unless the person has received a screen for functional eligibility within the previous six months, is entering the facility only for respite care or is an enrollee of a care management organization. Failure to comply with these requirements subjects the facility to an administrative forfeiture. Current prohibitions on the admittance to nursing homes of persons without a COP or other

assessment do not apply to persons for whom the secretary of health and family services has certified that a resource center is available.

Council on long–term care and board on aging and long–term care

This bill creates in DHFS a 15–member council on long–term care that terminates on July 1, 2001. The council must assist DHFS in developing policy related to long–term care issues. The council also must review and make recommendations to DHFS concerning the DHFS standard contract provisions for resource centers and care management organizations, the family care benefit and other matters, and must monitor patterns of complaints, persons on waiting lists and patterns of enrollments and disenrollments.

The bill makes several changes to the membership of the board on aging and long–term care and requires the board to contract with organizations to provide advocacy services, including negotiation, mediation and assistance in administrative hearings or judicial proceedings, to potential or actual recipients of the family care benefit or their families or guardians.

OTHER LONG–TERM CARE

Under current law, a county may not use COP or CIP funds to provide services to an individual who resides in a community–based residential facility unless the individual receives, before admission, an assessment of his or her functional abilities, disabilities and need for medical and social long–term community support services.

Current law also requires a community–based residential facility, prior to admitting a person, to prepare a statement of financial condition for a person who intends to pay for residence in the facility from private funds. The statement of financial condition must estimate a date, if any, by which the person's assets and other private funding would be depleted if he or she were to reside continuously in the community–based residential facility. If that date is less than 24 months after the date of the statement of financial condition, the community–based residential facility must provide the statement to the county department of social services.

This bill allows a county, in accordance with guidelines established by DHFS, to waive the requirement to conduct a functional assessment prior to a person's admission to a community–based residential facility. However, if a person applies for admission to a community–based residential facility on or after the date that this bill becomes law and his or her statement of financial condition indicates that, if the individual were to reside in the community–based residential facility, his or her assets and other private funds would be depleted within 12 months, the community–based residential facility must refer him or her to the county department of social services to determine whether an assessment should be conducted.

Currently, revenues received by DHFS from skilled nursing facility violation forfeiture assessment surcharges and interest pay for certain costs that are associated with the violations, such as resident relocation to another facility and reimbursement for misappropriated property. This bill permits DHFS to use a

portion of the penalty assessment surcharge and interest revenues for innovative projects that aim to protect health and property of residents of skilled nursing facilities.

PUBLIC ASSISTANCE

Under current law, a county department of human services or social services (county department) or, in Milwaukee County, DHFS must make payments of $215 per month to a relative of a child who is providing care and maintenance for the child if certain conditions are met (kinship care and long–term kinship care). Under this bill, a county department or DHFS may, but is not required to, make those payments if certain conditions are met. The bill also provides that, notwithstanding fulfillment of the conditions of eligibility for the receipt of those payments, a relative who is providing kinship care or long–term kinship care for a child is not entitled to receive those payments.

Under current law, a parent who receives federal supplemental security income (SSI), or a state supplemental payment, receives a monthly supplemental payment of $100 for each dependent child with whom the parent lives, if certain conditions are met. This bill increases that monthly supplemental payment to $150 per dependent child.

Current federal law permits states to establish a demonstration project under which certain low–income individuals may establish savings accounts, referred to as individual development accounts. The funds deposited into an individual development account may be used for certain expenses associated with postsecondary education, first home purchases, business capital expenses or medical expenses, to meet necessary living expenses following loss of employment or to make payments necessary to prevent the eviction of the individual from his or her residence or the foreclosure on the mortgage for the principal residence of the individual. An individual may only deposit earned income into the account. For every dollar that the individual deposits into the account, the administering state or local agency or American Indian tribal governing body, or a qualified nonprofit agency, must deposit at least 50 cents and not more than four dollars into that account. The federal government makes a grant to the matching contributor that equals the lesser of the aggregate amount of funds committed as matching contributions from nonfederal funds or $1,000,000.

This bill allows the department of workforce development (DWD) to establish an individual development account demonstration project in this state in accordance with the federal law.

Under current law, DWD is required to recover benefit overpayments made under the aid to families with dependent children (AFDC) program and under the Wisconsin works (W–2) program (this state's welfare reform initiative which emphasizes work for benefits).

This bill permits DWD to recover overpaid AFDC or W–2 benefit amounts from former benefit recipients by issuing a warrant directed to the clerk of circuit court. The warrant is considered a perfected lien upon the person's right, title and interest in all real and personal property. DWD may then file an execution commanding the sheriff of any county in which property of the person is found to collect and sell sufficient property to pay the amount stated in the warrant.

The bill also allows DWD to collect the overpaid AFDC or W–2 benefits by levy upon any property of the person to whom the benefits were paid. Under the bill, such a person who refuses to surrender the property is subject to enforcement proceedings. A third party who fails to surrender property that is subject to a levy is liable for up to 25% of the amount the debt. The bill sets forth the process for serving the levy and releasing the levy. The bill also exempts certain wages, the first $1,000 in a bank account and certain other property from a levy.

Under current law, DWD must allocate certain moneys for various public assistance programs. This bill eliminates the requirement that moneys be allocated for some of the programs and adds the following new programs to the list of those for which moneys must be allocated:

1. A program to fund efforts to provide an emotionally and intellectually stimulating environment for certain low–income children under the age of five.

2. A literacy program targeted at certain low–income individuals.

3. A competitive grant program to fund programs that improve social, academic and employment skills of certain low–income youth.

4. A program to assist low–income workers to maintain their jobs and to improve their basic skills.

5. A program to match retirees with youth to provide the youth with workforce mentoring.

6. A program to encourage the positive involvement of fathers in their children's lives.

7. A grant program under which DWD may award up to $1,000,000 to counties and private entities to provide community–based alcohol and other drug abuse treatment that is targeted to certain low–income individuals.

The bill also permits DWD to transfer funds received under the federal temporary assistance for needy families block grant program to other agencies for various programs.

Under current law, a county department of social or human services must certify eligibility for and issue food coupons to needy households, except that a Wisconsin works (W–2) agency is required, to the extent permitted under federal law or waiver, to certify eligibility for and issue food coupons to eligible participants in the W–2 program.

This bill requires a W–2 agency, to the extent permitted under federal law or waiver, also to certify eligibility for and issue food coupons to: 1) persons who may

be required to participate in the food stamp employment and training program; and 2) other persons who are under the age of 61 and who are not disabled.

Under current law, certain federal economic support programs require that a state maintain or increase its average annual expenditures for those programs. This is commonly referred to as a maintenance–of–effort requirement.

This bill allows DWD to expend moneys from its economic support programs appropriation for services to identify funds that may be used for the maintenance–of–effort requirement.

Currently, under the learnfare program, a child between the ages of 6 and 17 who is the dependent child of a recipient of benefits under the W–2 program must meet a school attendance requirement to avoid the imposition of certain sanctions. Currently, DWD may expend moneys for a study of the school attendance requirement under the learnfare program for children who are 6 to 12 years of age. This bill eliminates that expenditure authority.

Under current law, if a recipient of certain public assistance benefits dies and the estate of the deceased recipient is insufficient to pay for the funeral, burial and cemetery expenses, the county or applicable American Indian tribal governing body or the organization responsible for burial of the recipient must pay the cemetery expenses that are not paid by the deceased recipient's estate (but not more than $1,000) and must pay the funeral and burial expenses that are not paid by the deceased recipient's estate (but not more than $1,000).

Under this bill, a county, tribal governing body or organization responsible for burying the recipient is not required to make a payment for funeral, burial or cemetery expenses if the request for the payment is made more than 12 months after the recipient died.

Under current law, DWD administers a work experience program for noncustodial parents (parents who do not live with their children for substantial periods of time), commonly referred to as the children first program. A parent who fails to pay court–ordered child support or to meet the child's needs for support because of unemployment or underemployment is required to participate in the program, under which the person is provided with certain types of work experience, job training and job search assistance. Currently, DWD may contract with any county to administer the children first program. DWD pays the county $200 for each person who participates in the program in that county.

This bill permits DWD to contract with a W–2 agency or a county to administer the children first program. The bill requires DWD to pay the administering county or W–2 agency $400 for each person who participates in the program in the region in which the county or W–2 agency administers the program.

This bill provides that DHFS may use moneys derived from Indian gaming compacts to fund relief block grants to American Indian tribal governing bodies.

WISCONSIN WORKS

Under current law, two W–2 agencies in Milwaukee County are permitted to implement a program under which certain participants in community service jobs (wholly subsidized employment) may be paid wages rather than monthly grants. To qualify for a wage–paying community service job, the participant must already be engaged in unsubsidized employment for at least 15 hours per week. Currently, a W–2 agency may not require a person to work in a wage–paying community service job more than the lesser of 15 hours per week or the difference between 40 hours and the number of hours per week that the participant works in unsubsidized employment. If the participant qualifies for the federal earned income tax credit (EITC), current law qualifies the participant for the state EITC as well. Currently, the wage–paying community service job program is scheduled to sunset on October 1, 2001.

This bill eliminates the sunset date for the wage–paying community service job program and expands the program, beginning on January 1, 2001, to allow all W–2 agencies to implement it for any individual that the W–2 agency determines is capable of working in an unsubsidized job but who, despite reasonable efforts, is unable to secure full–time unsubsidized employment. However, the bill caps the number of slots for the program at 2,500 statewide. Under the bill, a participant in a wage–paying community service job is disqualified from the state EITC with respect to any wages earned under the wage–paying community service job. Additionally, under the bill, the participant need not be engaged in unsubsidized employment to qualify for a wage–paying community service job. Finally, the bill allows a W–2 agency to require a participant in a wage–paying community service job to work in a community service job for not more than 30 hours per week and to participate in job search activities for not more than ten hours per week.

This bill requires a W–2 agency to assess the educational needs of an individual whom the W–2 agency proposes to place in unsubsidized employment or a trial job. Under the bill, if the W–2 agency determines that the individual needs basic education, such as courses leading to the granting of the equivalent of a high school diploma, and if the individual wishes to pursue the basic education, the W–2 agency must make basic education a part of an employability plan that the W–2 agency develops for the individual. The bill requires the W–2 agency to pay for the basic education services.

Under current law, with certain limited exceptions, a participant in the W–2 program may be required to work in a community service job for not more than 30 hours per week and to participate in education or training activities for not more than ten hours per week. If the W–2 agency requires fewer than 30 hours of work per week because the participant has part–time unsubsidized employment, the participant's grant amount may be reduced by an amount equal to the product of

$5.15 and the difference between 30 and the number of hours that the participant is required to work. This bill specifies that if a W–2 agency places a person in a community service job for fewer than 30 hours per week because that person has part–time unsubsidized employment, the W–2 agency may reduce the monthly grant in accordance with a schedule developed by DWD.

Under current law, a child care subsidy is available to a parent or guardian of a child who is under the age of 13 if the parent or guardian meets certain income and asset limits and needs child care to participate in certain work–related activities, including employment skills training. If child care is needed in order to participate in employment skills training (which includes English as a second language courses, high school graduation equivalency courses and technical college courses), the parent or guardian must demonstrate that he or she has been employed in an unsubsidized job for at least nine consecutive months or that he or she is a participant in a W–2 employment position in order to receive a child care subsidy.

Under this bill, if a person wishes to receive a subsidy for child care that is needed in order to pursue basic education (such as English as a second language courses, high school graduation equivalency courses or literacy tutoring), that person must demonstrate that he or she is employed in unsubsidized employment (without regard to length of employment) or that he or she is a participant in a W–2 employment position. A person who wishes to receive a subsidy for child care that is needed in order for the person to participate in a course of study at a technical college, or to pursue education that provides an employment skill, must demonstrate that he or she has been working in unsubsidized employment for three months (and continues to be so employed) or that he or she is in a W–2 employment position. As under current law, the W–2 agency must determine that the basic, technical or other education would facilitate the person's efforts to obtain employment.

Under current law, a contract to operate as a W–2 agency must require that the W–2 agency provide, or contract with another person to provide, credit establishment and credit repair assistance to W–2 participants. Currently, DWD may allocate not more than $3,000,000 annually for credit assistance to W–2 recipients in the city of Milwaukee.

Under this bill, rather than requiring credit establishment and credit repair services, a W–2 agency contract must require that the W–2 agency provide, or contract with another to provide, budgeting and financial planning services. The bill eliminates the allocation for credit establishment and credit repair services offered to W–2 participants in the city of Milwaukee.

Current contracts between DWD and W–2 agencies require the agencies to offer follow–up services for 60 days after a W–2 participant moves from a W–2 employment position to unsubsidized employment. This bill permits a W–2 agency, subsequent to that follow–up period, to offer case management services, including the provision of employment skills training, English as a second language classes and basic education, to an individual who has moved from a W–2 employment

position to unsubsidized employment, regardless of the individual's income or asset level.

Currently, in calculating a person's income for the purpose of determining financial eligibility for W–2 or for a W–2 child care subsidy, a W–2 agency must include child support payments received by the person on behalf of any child who is a member of that person's household. This bill removes child support payments from the income consideration. The bill also directs the W–2 agency to include in the calculation of income for W–2 child care eligibility net earnings and certain business–related expenses reported to the Internal Revenue Service for farm and self–employment income.

MEDICAL ASSISTANCE

Under current law, certain people are eligible for MA because of substantial medical needs that consume so much of their income as to qualify them as low–income. This category of MA recipients is commonly referred to as medically needy. Other people are eligible for MA by virtue of their receipt of other federal assistance, such as SSI. This category of MA recipients is commonly referred to as categorically needy.

This bill directs DHFS to seek federal approval and to request any necessary waivers to expand MA eligibility to disabled persons who would qualify for SSI but for excess income and assets. Under the bill, a disabled person whose family's income is less than 250% of the federal poverty line and whose assets do not exceed $20,000 is eligible to receive MA if the person pays a monthly premium and a one–time initial premium established by DHFS. The bill directs DHFS, however, to pay the monthly premium for a person who is eligible for this MA purchase plan and who is receiving services under COP. The bill also authorizes DHFS to pay for that person's one–time entry premium.

The bill also requires DHFS to evaluate how to coordinate the MA purchase plan with HIRSP, which provides major medical health insurance coverage for, among others, persons who are covered under medicare because they are disabled but for which persons who are eligible for MA are not eligible. DHFS is required, if necessary, to develop proposed legislation that coordinates the two programs and that addresses the provision of health care coverage for individuals who are eligible for both HIRSP and the MA purchase plan.

Under the current MA program, DHFS certifies persons or facilities that meet certain criteria as providers and pays for services and items that MA recipients receive from the certified providers. DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from the MA program, against providers who fail to comply with requirements under the program or to whom improper or erroneous payments or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing and a written decision.

This bill prohibits MA providers from submitting false claims for payment of services or items. The bill permits DHFS to assess forfeitures for violations of the prohibitions and to impose a surcharge on a forfeiture that is assessed.

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, under terms and in an amount specified by DHFS, that would reasonably pay the amount of a recovery and DHFS' costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements.

The bill authorizes DHFS, if DHFS first makes specified findings, to prescribe MA provider certification criteria that limit the number of providers of particular services or that limit the amount of resources, including employes and equipment, that a certified provider may use to provide MA services and items.

The bill makes various changes relating to the procedures for the recovery by DHFS of improper or erroneous MA payments or overpayments.

The bill eliminates DHFS' general authority to suspend a provider, but authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws. The bill eliminates the right of notice, a fair hearing and a written decision for most sanctions against providers that DHFS may enforce, except for decertification from or restriction of a provider's participation in the MA program.

The bill authorizes DHFS to prescribe conditions of MA participation and reimbursement terms and to impose additional sanctions for noncompliance. The bill requires immediate access, upon request by DHFS, to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

The bill changes provisions concerning liability for repayment of improper or erroneous payments or overpayments of a provider who sells or otherwise transfers ownership of his or her business. Under the bill, before such a sale or transfer may take place, the provider must notify DHFS of the impending sale and DHFS must inform the provider of the extent of liability, if any. If liability exists, the provider must so inform the prospective transferee of the extent of the liability and the liability attaches to both the provider and the transferee, with the sale or other transfer conditioned upon repayment. If the provider fails to inform the transferee, liability does not attach to the transferee. Repayment must be made prior to the sale or transfer and, if not done, the sale or transfer is void.

Currently, a person who disposes of assets for less than the fair market value in order to qualify for MA is ineligible for MA for a certain period. Current law specifies that a transfer of assets to an irrevocable annuity is a transfer that is below the fair market value if the amount of the transfer exceeds the expected benefit.

This bill provides that a transfer of an asset to an irrevocable annuity, or a transfer of an asset by promissory note or similar instrument, is a transfer for the fair market value of the asset if certain conditions are met.

Under current law, DHFS must recover from the estate of a deceased MA recipient the amount of MA paid on behalf of the recipient while the recipient was a resident in a nursing home or an inpatient in a medical institution and the amount of MA paid on behalf of the recipient for certain services received by the recipient after the recipient was over the age of 55. One mechanism for recovery is a claim filed against the estate, which may include a lien placed on the home of a recipient who is a nursing home resident and not expected to return home. Currently, a lien may only be for the amount of MA paid on behalf of the recipient while the recipient resides in a nursing home.

This bill expands the estate recovery program as follows:

1. In addition to obtaining a lien on the home of a nursing home resident who is not expected to return home, the bill directs DHFS to obtain a lien on the home of an inpatient in a hospital who is not expected to return home. The lien, in both cases, is for the amount of MA paid on behalf of that recipient that is generally recoverable, rather than only the amount paid while the recipient was in the nursing home (or hospital).

2. DHFS must recover expenditures for personal care services, which include assistance with meals, dressing, movement, bathing or other personal needs or maintenance.

Under current law, a court may reduce DHFS's claim in an estate by up to $3,000 to allow heirs and beneficiaries to retain certain personal property, including up to $1,000 in tangible personal property that is not used in trade, agriculture or other business. This bill allows a court to reduce DHFS's claim in an estate by up to $5,000, including $3,000 in tangible personal property that is not used in trade, agriculture or other business.

Under current law, payments to nursing homes for care provided to recipients of MA are determined under a payment system that considers specific allowable costs, under standards prescribed by DHFS. The standards for payment of allowable direct care costs, support service costs, heating fuel and utility costs and administrative and general costs of a nursing home may not be less than the median for such costs of a sample of all nursing homes. Payment for net property taxes or municipal services are required to be made on a range from actual costs to a maximum limit determined by DHFS. Payment for capital costs of a nursing home must be based on the home's replacement value, subject to DHFS limitations, except that DHFS may not reduce final capital payment by more than $3.50 per patient day and except that DHFS limitations do not apply to certain nursing homes that have high capital costs. DHFS must calculate a payment for a nursing home by applying specified standards and considering specified cost centers and allowable costs. Payments are based on cost reports from the nursing home's previous fiscal year.

This bill eliminates the requirement that DHFS base payment on information from cost reports from the nursing home's previous fiscal year. The bill also eliminates the requirement that the standards for payment by DHFS of allowable costs for direct care, support services, heating fuel and utilities, administration and general services be not less than the median for such costs for a sample of all nursing

homes, although the bill still requires DHFS to consider a sampling of nursing homes in determining payment. The bill eliminates the limitation on the amount by which DHFS may reduce final capital costs payment of a nursing home. The bill revises the standard for payment for net property taxes or municipal services to limit the payment to actual previous costs, subject to a maximum determined by DHFS.

Under current federal law, with certain exceptions, states are permitted to require an individual who is eligible for MA to enroll in a managed care plan (generally a health maintenance organization, or HMO) rather than receiving services under the traditional fee–for–service system. Federal law prohibits states from requiring a child who is in foster care to enroll in a managed care plan as a condition of receiving MA.

This bill authorizes DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to require children in foster care to enroll in a managed care plan as a condition of receiving MA. If the waiver is granted and in effect, the bill permits DHFS to implement the waiver.

This bill requires DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to cover under MA clinical evaluation services for certain persons with HIV. The bill limits coverage to $500 per year per person.

Currently, DHFS must annually submit to JCF a report on nursing home bed utilization by MA recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA appropriation account to the COP appropriation account for expenditure for noninstitutional long–term support services.

This bill provides that the transfer of funds from MA to COP may not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that DIIFS's report to JCF include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry–over of currently appropriated amounts in the MA appropriation accounts.

Currently, MA recipients may obtain coverage for inpatient hospital services and outpatient services for treatment of alcohol or other drug abuse. This bill provides that MA recipients may receive, until July 1, 2003, residential treatment services for alcohol and other drug abuse, limited to 45 days of treatment services per treatment episode. The benefit may be provided only in a facility of fewer than 16 beds in a county, city, town or village that elects both to become certified as a provider of the services, or to contract with a certified provider to provide the services, and to pay the amount of the allowable charges for the services under the MA program that is not provided by the federal government.

Under current law, dental services are provided to MA recipients on a fee–for–service basis or under some form of managed care, such as through enrollment by a recipient in a health maintenance organization that provides dental services. This bill increases the amount paid under the MA program for dental services providers who provide services on a fee–for–services basis.

Currently, DHFS annually may distribute no more than $2,256,000 of MA moneys as supplements to rural hospitals that, compared to other rural hospitals, have a high utilization of inpatient services by persons whose care is provided from governmental sources. This bill authorizes DHFS to distribute the supplements of MA moneys also to critical access hospitals. A critical access hospital is a hospital that DHFS determines meets specific federal medicaid requirements and has specific federal certification.

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Currently, DHFS is authorized to provide enhanced reimbursement under CIP for a person who was relocated to the community from an intermediate care facility for the mentally retarded that closes. This bill additionally authorizes DHFS to provide enhanced reimbursement under CIP for a person who is relocated to the community from an intermediate care facility for the mentally retarded, or a distinct part of the facility, that has a DHFS–approved plan of closure and that intends to close within 12 months.

CHILDREN

Under current law, DHFS awards grants for various programs relating to youth alcohol and other drug abuse, adolescent pregnancy and other adolescent services. These programs include a neighborhood drug use and violence prevention program, a community alcohol and other drug abuse prevention program, a drug prevention program for Milwaukee public high school athletes, an adolescent self–sufficiency program, an adolescent pregnancy prevention program, an adolescent resource center in Milwaukee, a minority adolescent parenting skills program in Milwaukee and an adolescent choices project.

This bill eliminates all of these programs. The bill directs DHFS to award grants to public and private organizations operating in Milwaukee County; county departments of human services, social services, community programs or developmental disabilities services operating in counties other than Milwaukee County; and federally recognized American Indian tribes or bands in this state to provide programs to prevent and reduce the incidence of youth violence and other delinquent behavior, youth alcohol and other drug use and abuse, nonmarital pregnancy and child abuse and neglect; to increase the use of abstinence as a method of preventing nonmarital pregnancy; and to increase adolescent self–sufficiency by encouraging high school graduation, vocational preparedness, improved social and other interpersonal skills and responsible decision making. The bill requires DHFS to provide a set of benchmark indicators to measure the outcomes that are expected

of a program receiving a grant and permits DHFS to renew a grant only if the recipient shows improvement on those indicators.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must determine, within 60 days after receipt of such a report, whether abuse or neglect has occurred or is likely to occur. Currently, there is no procedure for appealing that determination. This bill provides that if such a determination contains a finding that a specific person has abused or neglected a child, that person may appeal that finding in accordance with procedures established by DHFS.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must keep its records confidential and may disclose those records only under certain conditions. This bill permits such an agency, subject to standards established by DHFS, to disclose to the news media and the general public information from the agency's records in cases in which a child died or was placed in serious or critical condition as a result of abuse or neglect.

Under current federal law, each state that receives a grant under the federal Child Abuse Prevention and Treatment Act must establish not less than three child abuse and neglect citizen review panels to evaluate the extent to which local agencies responsible for providing child protective services are effectively discharging their responsibilities and must ensure that otherwise confidential child abuse and neglect records are made available to those panels. This bill permits a child abuse and neglect citizen review panel established by DHFS or a county department to have access to the otherwise confidential child abuse and neglect records of an agency responsible for child protection as necessary for the panel to carry out its functions.

Under current law, a person is eligible for a subsidy for child care for a child who is under the age of 13 if the person meets certain requirements. The person must be a parent or other primary caretaker of the child; the person must initially have a gross income at or below 165% of the federal poverty line; and the person's assets may not exceed $2,500 in combined equity value.

This bill expands eligibility for a child care subsidy beginning on January 1, 2000. Under the bill, the initial income limit is increased to 185% of the poverty line and the asset limit is eliminated. The bill also expands the subsidy to cover child care for disabled children who are under the age of 19.

Under current law, DWD must award grants for the start–up or expansion of child care services and must attempt to award these grants to head start agencies, employers that provide or wish to provide child care services for their employes, family day care centers, group day care centers and day care programs for the children of student parents. A person who is awarded a child care start–up or expansion grant must contribute matching funds equal to 25% of the amount awarded and may not use any grant moneys to purchase or improve land or to

purchase, construct or permanently improve, other than minor remodeling, any building or facility.

This bill requires DWD to award low–interest loans for the start–up or expansion of child care services. Under the bill, the same requirements that apply to the awarding of child care start–up or expansion grants, other than the matching funds requirement, apply to the awarding of child care start–up or expansion low–interest loans. The bill also requires DWD to attempt to award child care start–up and expansion grants and low–interest loans to organizations that provide child care for sick children and to child care providers that employ participants or former participants in a W–2 employment position.

Under current law, if a W–2 agency determines that a person is eligible for a child care subsidy, the W–2 agency must refer that person to the county department. The county department determines, in accordance with a schedule developed by DWD, the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and helps the person identify available and appropriate child care. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits DWD to require a county department, a tribal governing body or a W–2 agency to administer the child care subsidy program, except that in Milwaukee County, DWD must require a W–2 agency to administer the child care subsidy program in that county. Under the bill, whichever entity administers the program is responsible for determining the copayment amount, providing the subsidy, conducting background investigations on and certifying child care providers and identifying available and appropriate child care for subsidy recipients. County departments, however, retain the responsibility for setting maximum reimbursement rates for child care providers.

Under current law, DHFS may not license a person to operate a foster home, treatment foster home, group home, shelter care facility, child welfare agency or day care center; a county department or a child welfare agency may not license a person to operate a foster home or treatment foster home; a county department may not certify a person as a day care provider; and a school board may not contract with a person to operate a day care program if the person has been convicted of or has pending a charge for a serious crime, as defined by DHFS by rule; has abused or neglected a client or a child; has misappropriated client property; or is not sufficiently credentialed to provide adequate client care. In addition, such a licensed, certified or contracting entity may not hire or contract with such a person if the person is expected to have access to the entity's clients and may not permit such a person to reside at the entity as a nonclient. Such a person may, however, subject to certain exceptions, demonstrate that he or she has been rehabilitated. At time of initial licensure, certification, hiring, contracting or residence and every four years

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after that, DHFS, a county department, a child welfare agency or a school board must obtain, with respect to an operator or nonclient resident of an entity, and an entity must obtain, with respect to an employe or contractor who has or is expected to have access to the entity's clients, certain personal background information, including information obtained from a criminal history search. DHFS, a county department, a child welfare agency or a school board may charge a fee for obtaining this background information about an operator or nonclient resident of an entity.

This bill changes the type of interaction with clients that an employe or contractor must have to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with an entity. The bill, rather than requiring an investigation of an employe or contractor who has or is expected to have access to a client, instead requires an investigation of an employe or contractor who provides or is expected to provide to clients direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. The bill also permits DHFS, a county department, a child welfare agency, a W–2 agency or a school board to charge a fee for the cost of providing background information to an entity about an employe or contractor and to charge a fee to a person for the cost of determining whether the person has been rehabilitated.

Under current law, a foster home may provide care and maintenance for no more than four children unless all of the children are siblings. This bill permits a foster home to provide care and maintenance for no more than four children or, if necessary to enable a sibling group to remain together, for no more than six children or, if DHFS promulgates rules permitting a different number of children, for the number of children permitted under those rules.

Under current law, subject to certain exceptions, DHFS, a county department or a licensed child welfare agency (collectively "agency") may not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the agency except by order of the court assigned to exercise jurisdiction under the children's code (juvenile court). Current law, however, is silent as to the confidentiality of records kept and information received relating to a foster parent, treatment foster parent or family–operated group home parent (substitute care parent).

This bill prohibits an agency from making available for inspection or disclosing the contents of any record kept or information received relating to a substitute care parent or a family member of a substitute care parent without first receiving the written permission of the substitute care parent, except by order of the juvenile court. The bill does not prohibit an agency from disclosing information in confidence to another social welfare agency, from disclosing the contents of a record as permitted under the child abuse and neglect reporting law, from disclosing to the child's parent, guardian or legal custodian the name and address of the substitute care parent or from including the location of the child's placement in the child's permanency plan.

Current law appropriates to DHFS certain general purpose revenues (GPR) and federal revenues for foster care and for adoption assistance payments to parents who adopt children with special needs. This bill expands the purposes for which GPR and federal foster care and adoption services moneys are appropriated to DHFS to include the cost of contracting with private adoption agencies to provide adoption services for children with special needs who are under the guardianship of DHFS.

Under current law, in Milwaukee County, DHFS is required to provide the juvenile court with services necessary for investigating and supervising child welfare cases under the children's code and the county board of supervisors is required to provide the juvenile court with services necessary for investigating and supervising cases under the juvenile justice code. Child welfare cases under the children's code include cases in which a child is alleged to have been abused or neglected or otherwise to be in need of protection or services under the children's code. Cases under the juvenile justice code include cases in which a juvenile is alleged to be delinquent, in violation of a civil law or ordinance or in need of protection or services under the juvenile justice code, that is, habitually truant from home or school, uncontrollable or a school dropout. The chief judge of the judicial administrative district covering Milwaukee County must formulate written judicial policy governing intake and juvenile court services for matters under the children's code and the juvenile justice code.

This bill prohibits the chief judge from directing DHFS to provide intake and juvenile court services in cases in which the referral information indicates that the juvenile should be referred to the juvenile court under the juvenile justice code, unless that information indicates that the juvenile should also be referred to the juvenile court under the children's code. The bill also requires the chief judge to direct DHFS and Milwaukee County to coordinate the provision of services in cases in which a DHFS intake worker determines that jurisdiction exists under the juvenile justice code instead of or in addition to the children's code and in cases in which a Milwaukee County intake worker determines that jurisdiction exists under the children's code instead of or in addition to the juvenile justice code.

HEALTH

Under current law, DHFS must administer a health care program (known as badger care) to provide health care coverage to low–income (generally defined as having an income at or below 185% of the federal poverty line) children and their parents if the children reside with their parents.

This bill expands the badger care program to cover any child under the age of 19 who meets financial and other eligibility requirements, regardless of whether the child resides with his or her parents. The bill also requires DHFS to lower the maximum income level for initial eligibility for badger care if funding for badger care is insufficient to accommodate the projected enrollment in badger care and requires DHFS to raise the income limit to up to 185% of the federal poverty line if, after

having lowered the income level, funding for badger care becomes sufficient to cover projected enrollment of persons at the higher income level.

Currently, the health insurance risk–sharing plan (HIRSP) provides major medical health insurance coverage for persons who are covered under medicare because they are disabled, persons who have tested positive for human immunodeficiency virus (HIV) and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition. Also eligible for coverage are persons (called eligible individuals) who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past. HIRSP offers its enrollees who are not eligible for medicare an annual choice of coverage option. Responsibility for administering HIRSP is split between DHFS and the HIRSP board of governors (board).

This bill makes various changes to HIRSP. Except for an eligible individual, a person who is at least 65 years of age is not eligible for HIRSP coverage. The bill provides that a person who has HIRSP coverage on the date on which he or she attains age 65 does not lose eligibility for coverage because of his or her age.

With certain exceptions, current law provides that a person for whom a premium, deductible or coinsurance amount is paid by any governmental agency is not eligible for HIRSP coverage. The bill provides that a person who receives a reimbursement from DHFS for the cost of drugs for the treatment of HIV infection and for the treatment of acquired immunodeficiency syndrome (AIDS) is not ineligible for HIRSP coverage by reason of the reimbursement.

With certain exceptions, current law sets the deductible for coverage under HIRSP at $1,000. HIRSP pays 80% of covered costs exceeding the deductible. After a covered person has paid $2,000 in costs, including the deductible, in a calendar year, the bill directs HIRSP to pay 100% of the covered costs for the remainder of the calendar year. If more than one member of a family has HIRSP coverage, HIRSP pays 100% of covered costs after the family has paid $4,000 in costs. The bill specifies these values for covered persons not eligible for medicare who choose the other coverage option that HIRSP offers. Under the other coverage option, the deductible is $2,500. HIRSP pays 100% of the covered costs after a covered person has paid $3,500 in costs in a calendar year. For a family with more than one covered person, HIRSP pays 100% of covered costs after the family has paid $7,000 in costs.

Finally, the bill transfers to DHFS some of the board's responsibilities, such as establishing procedures for hearing grievances and collecting assessments from insurers, and requires the board to advise DHFS with respect to those responsibilities.

Under current law, DHFS may not license, certify, issue a certificate of approval to or register a person to operate an adult treatment facility or organization or to provide adult treatment services if DHFS knows that the person has been convicted of or has pending a charge for a serious crime; has been found to have abused or neglected a facility client or misappropriated client money; has abused or neglected

a child; or is not sufficiently credentialed to provide adequate client care. In addition, an adult treatment facility or organization or a person providing services may not hire such a person if that person may have access to clients and an adult treatment facility may not allow him or her to reside as a nonclient at the facility. The prohibitions do not apply if the person demonstrates to DHFS that he or she has been rehabilitated, unless the person has been convicted of certain offenses. DHFS must obtain specific personal background information, including that obtained from criminal history searches, about persons applying to operate adult treatment facilities or organizations or applying to provide adult treatment services. In addition, DHFS must obtain the information every four years for all persons licensed to operate such facilities or organizations or to provide such services and for nonclient facility residents and may charge a fee for conducting those personal background information checks. Every adult treatment facility or organization and every person who provides adult treatment services must obtain the same types of information about prospective employes or contractors, and every adult treatment facility must obtain such information about persons who seek to reside as nonclients in the facilities. The information must be obtained every four years for employes or contractors.

This bill authorizes DHFS to conduct background investigations on behalf of adult treatment facilities and organizations and persons who provide adult treatment services and to charge a fee for doing so. Additionally, the bill authorizes DHFS to charge persons a fee for the costs incurred by DHFS under requests to demonstrate that the persons have been rehabilitated.

The bill changes the type of interaction with clients that a prospective employe or a prospective contractor must have in order to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with adult treatment facilities, organizations or services. The bill, rather than requiring investigation of a person who has or is expected to have access to the clients of the facility, organization or service, instead requires investigation of a person who provides to the clients or is expected to provide to the clients, direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. Restrictions on nonclient residents at the facility, organization or service are unchanged by the bill.

Under current law, DHFS administers the birth and developmental outcome monitoring program (BDOMP). Under that program, a report must be made to DHFS by a physician or nurse who diagnoses or confirms a suspected diagnosis that a child under the age of six has a condition resulting from a low birth weight, a chronic condition possibly requiring long–term care, a birth defect or a developmental disability or other severe disability. DHFS must develop and implement a system for the collection, updating and analysis of the information reported and to disseminate the information.

This bill eliminates BDOMP. Instead, the bill requires physicians, hospitals, certain clinics and clinical laboratories to report birth defects identified in children

under the age of two to DHFS. The bill requires DHFS to establish and maintain a registry that documents the diagnosis of a birth defect in a child under the age of two. As under current law, personally identifying information that is contained in the reports made to DHFS is confidential and, with certain exceptions, may not be released to any person. Finally, the bill creates a council on birth defect prevention and surveillance to advise DHFS regarding the registry and rules related to reporting.

Under current law, DHFS licenses and otherwise regulates emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure. This bill authorizes DHFS to impose forfeitures on ambulance service providers for violation of laws that prescribe conditions for licensure and for operation of ambulances. The bill clarifies that DHFS may charge a fee for the renewal of licenses for emergency medical technicians and ambulance service providers and authorizes DHFS to charge fees for untimely license renewal. DHFS must promulgate rules to establish the amounts for assessments of the forfeitures, fees for license renewal and late renewal fees.

This bill does all of the following with respect to tuberculosis:

1. Requires that laboratories that perform primary culture for mycobacteria also perform organism identification for mycobacterium tuberculosis and conduct antimicrobial drug susceptibility tests on the mycobacterium tuberculosis bacteria. The results of that test must be reported to DHFS.

2. Creates a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined pending a hearing if the confinement is to be longer than 72 hours.

3. Permits local health departments to request from DHFS certification to establish and maintain a public health dispensary.

This bill provides that DHFS may use moneys derived from Indian gaming compacts to fund grants for cooperative American Indian health projects.

Under current law, DHFS must base fees for renewal of home health agency licenses on the annual net income, as determined by DHFS, of each home health agency seeking license renewal. This bill eliminates annual net income of home health agencies as a basis for establishing fees for home health agency license renewal, thus permitting DHFS to base fees on any criterion.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, a person who is believed to be mentally ill and a proper subject for treatment and who evidences certain acts, omissions or other behavior that indicate that he or she satisfies at least one of five standards of dangerousness may be detained on an emergency basis and transported to and detained and treated in a mental health treatment facility. A petition signed by three others may be brought against the detained person alleging that the detained person is mentally

ill, is a proper subject for treatment and is dangerous because he or she meets a standard for involuntary civil commitment. If such a petition is filed with a court, the subject of the petition must be given a hearing to determine if there is probable cause to support the petition's allegations. If a court finds probable cause, a final hearing on commitment must be held. If, at the hearing, the person is again found to satisfy one of the standards of dangerousness he or she may be involuntarily committed to the care and custody of a county department of community programs for appropriate treatment.

Currently, one of the five standards of dangerousness for involuntary civil commitment terminates on December 1, 2001. That standard, known as the fifth standard, requires that a person, because of mental illness, either evidences the incapability of expressing an understanding of the advantages and disadvantages of and alternatives to accepting a particular medication or treatment after these have been explained to him or her or evidences substantial incapability of applying an understanding of those advantages, disadvantages and alternatives to his or her mental illness in order to make an informed choice as to whether to accept or refuse medication or treatment. The person also must evidence a substantial probability, as demonstrated by both his or her treatment history and recent acts or omissions, that he or she needs care or treatment to prevent further disability or deterioration. Lastly, the person must evidence a substantial probability that he or she will, if left untreated, lack services necessary for his or her health or safety and suffer mental, emotional or physical harm that will result in either the loss of his or her ability to function independently in the community or the loss of cognitive or volitional control over his or her thoughts or actions.

This bill eliminates the December 1, 2002, termination of the fifth standard for emergency detention and involuntary civil commitment of persons with mental illness.

Currently, if a person is found to be a proper subject for treatment and is found to satisfy at least one of the five standards of dangerousness, the person may initially be committed for treatment for a period not to exceed six months. In addition, a commitment order may be extended after an evaluation of the person. Each consecutive commitment order extension may be for a period not to exceed 12 months.

An inmate of a jail, house of correction or prison may be subject to an involuntary commitment proceeding based on a petition described above. However, there is an alternative petition that may be used to begin an involuntary commitment proceeding against an inmate. This alternative petition must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment; 2) that the inmate has been fully informed about, and has had the opportunity to discuss, his or her treatment needs and the mental health services available to him or her; and 3) that appropriate less restrictive forms of treatment have been attempted and have been unsuccessful. If an inmate is committed based on an alternative petition, the total period that the inmate may be committed may not exceed 180 days in any 365–day period.

This bill extends the period for which an inmate of a state prison may be committed based on an alternative petition to a period not to exceed one year. The bill does not change the current time limits on the commitment of an inmate of a jail or house of correction based on an alternative petition.

Current law provides a procedure for involuntarily committing sexually violent persons to DHFS for control, care and treatment. A sexually violent person is a person who has been convicted of certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

Under current law, when a person is found to be a sexually violent person the person must be committed to the custody of DHFS. The court that commits the person must specify whether the person is to be placed in institutional care or on supervised release in the community, and DHFS must arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

If the court decides to place the person on supervised release, DHFS and the county social services department (county department) of the person's county of residence must prepare a plan for the treatment and services that the person will receive while on supervised release. If the county department of the person's county of residence declines to prepare a plan, DHFS or the court must find another county department to prepare the plan. In *State v. Sprosty*, 221 Wis. 2d. 401 (Ct. App. 1998), the court of appeals held that once a court has ordered a person placed on supervised release, the person must be released and DHFS and the county responsible for preparing the plan must provide or contract for appropriate treatment and services or, if such treatment and services are not available, create them.

This bill makes the following changes relating to supervised release of sexually violent persons:

1. The bill establishes new guidelines for a court's decision concerning whether to place a person on supervised release. Under the bill, a court may not order a person to be placed on supervised release if the court finds that it is substantially probable that the person will engage in acts of sexual violence unless the person resides in a facility with a level of security comparable to that of a secure mental health unit or facility. However, even if it makes this finding, the court may withhold its decision concerning placement and order DHFS and the appropriate county department to prepare a plan for supervised release for the person, but only if the person first establishes that it is likely that the daily cost of providing the necessary programs and facilities for control, care and treatment of the person on supervised release would not exceed the daily cost of control, care and treatment of the person at a secure mental health unit or facility.

If the court withholds its decision and orders preparation of a supervised release plan, the court must then consider whether to approve or disapprove the plan under the new procedure created by the bill (see item 2., below). Even if the plan meets the criteria for approval under the new procedure, the court may approve the plan and place the person on supervised release only if the daily cost of supervised

release would not exceed the daily cost of institutional care at a secure mental health unit or facility.

2. The bill creates a new procedure that a court must use to approve or disapprove a supervised release plan. Under the bill, the court must hold a hearing on a proposed supervised release plan within 30 days after the plan is presented to the court. Based on evidence provided at the hearing, the court must approve the plan if it determines that the plan provides adequate treatment and services to the person and adequate protection to the community. Likewise, the court must disapprove the plan if it determines that the plan does not provide adequate treatment and services to the person and adequate protection to the community. If the court disapproves the plan, DHFS and the county department must revise the plan and present it to the court again. If the court approves the plan, the court must order that the person be placed on supervised release in the county that prepared the plan. DHFS and the county department that prepared the plan must implement the plan and DHFS may ask the court for any orders that are necessary to ensure implementation of the plan.

The bill also requires DHFS to place a sexually violent person in a secure mental health treatment setting if the court decides to place the person in institutional care rather than on supervised release.

This bill requires DHFS to contract with counties or federally recognized American Indian tribes or bands to provide one or two demonstration projects in fiscal year 2000–01. The projects are to provide mental health and alcohol or other drug abuse services under managed care programs of MA to persons who suffer from mental illness, alcohol or other drug dependency, or both illness and dependency. DHFS must submit for approval by the secretary of the federal department of health and human services any necessary requests for waiver of federal medicaid laws to effectuate these managed care demonstration projects.

Under current law, the Mendota Mental Health Institute and the Winnebago Mental Health Institute are operated by DHFS to provide specialized psychiatric services, research and education. In addition, DHFS may establish a system of outpatient mental health clinic services in any institution that DHFS operates. A county department of community programs must under contract authorize all care of most patients in the mental health institutes. Also, DHFS may provide outpatient services at the Winnebago Mental Health Institute to public school pupils.

This bill eliminates the explicit authorization for the Winnebago Mental Health Institute to provide outpatient mental health services for pupils. Instead, the bill authorizes DHFS to allow a mental health institute to offer, when DHFS determines that community services need to be supplemented, mental health outpatient treatment and services, day programming, consultation and services in residential facilities, including group homes, child caring institutions and community–based residential facilities, that are situated on the grounds of a mental health institute. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed

by the terms of the contract or by statutes and DHFS rules that regulate facilities, govern certain mental health services and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory or rules provision that is most protective of the health, safety, welfare or rights of the recipient of the services, as determined by the mental health institute. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town or village ordinances, do not apply to provision of the services.

Under current law, DHFS provides funding through county departments of community programs for mental health treatment services for persons who are in or relocated from facilities that have been found by the federal health care financing administration to be institutions for mental diseases (and, thus, ineligible for receipt of MA). Also under current law, every person who applies for admission to a nursing home or to an institution for mental diseases must be screened to determine if the person has a developmental disability or a mental illness and, if so, whether the person needs facility care and active treatment for the developmental disability or mental illness.

This bill requires DHFS to provide funding for active treatment of a person in a nursing home or institution for mental diseases who has been determined, through screening, to have a mental illness and to need the treatment.

Under current law, county departments of community programs authorize the care of all patients in state mental health institutes. DHFS regularly bills the county departments for care provided by mental health institutes at rates that reflect the estimated per diem cost of specific levels of care, as adjusted periodically by DHFS.

This bill authorizes DHFS to set rates on a flexible basis, rather than at the estimated per diem cost of specific levels of care, for billing county departments of community programs for care provided in mental health institutes. The bill requires that the flexible rate structure recover the cost of operations.

Under current law, DHFS provides services at the Southern Center for the Developmentally Disabled for up to ten developmentally disabled persons who are mentally ill or exhibit extremely aggressive and challenging behaviors and for up to 12 such persons at the Northern Center for the Developmentally Disabled. This bill increases to 36 the total number of such persons for whom DHFS may provide services and permits the services to be provided at the southern, northern and central state centers for the developmentally disabled.

OTHER HEALTH AND SOCIAL SERVICES

Under current law, DHFS and the department of commerce are authorized to jointly regulate sources of ionizing and nonionizing radiation. DHFS annually registers sites of ionizing radiation installations, such as medical sites, and imposes annual fees for each site and each X–ray tube at the site. Violation of the regulatory statutes or rules subjects the violator to a forfeiture.

This bill eliminates the authority of the department of commerce to regulate sources of ionizing and nonionizing radiation. The bill authorizes the governor to enter into agreements with the U.S. Nuclear Regulatory Commission to discontinue certain federal governmental licensing and related regulatory authority with respect to by–product, source and special nuclear radioactive material and to assume state regulatory authority. Under the bill, if the agreements are made, persons possessing licenses issued by the U.S. Nuclear Regulatory Commission are considered to be licensed by the state.

The bill authorizes DHFS, beginning on January 1, 2003, to license specifically the possession, use, transfer or acquisition of radioactive by–product material and to license specifically the possession, use, manufacture, production, transfer or acquisition of radioactive material or devices or items that use radioactive material and to operate a site that uses radioactive material. The bill also authorizes DHFS to establish general license requirements for the possession, use, transfer or acquisition of by–product radioactive material or devices or items that contain by–product radioactive material.

The bill authorizes DHFS annually, until January 1, 2003, to assess a fee of 36% of the U.S. Nuclear Regulatory Commission license application fee and annual materials license fee, for any person in this state holding a license issued by the U.S. Nuclear Regulatory Commission. The bill also authorizes DHFS to revise the fee amounts.

The bill eliminates court–imposed forfeitures for violations of the radiation regulatory statutes and rules of DHFS and instead establishes administrative forfeitures that DHFS may directly assess.

Lastly, the bill authorizes DHFS to issue emergency orders to protect the public from radiation exposure; increases the annual fees for registration of ionizing radiation installation sites and for X–ray tubes at those sites; and changes current law to prohibit, rather than to allow, the transfer of registration of ionizing radiation installations if ownership transfers.

This bill appropriates federal substance abuse block grant moneys to DHFS and authorizes DHFS to award the moneys to counties and private entities to provide community–based alcohol and other drug abuse treatment programs. The programs must meet the special needs of women with problems resulting from alcohol or other drug abuse and must emphasize parent education, vocational and housing assistance and coordination with other community programs and with treatment under intensive care.

Under current law, DHFS distributes community aids to counties to provide social, mental health, developmental disabilities and alcohol and other drug abuse services. DHFS must distribute community aids in the form of a basic county allocation, together with certain categorical allocations, including an allocation for Alzheimer's family and caregiver support. A county's annual community aids allocation is specified in a contract between DHFS and the county, and DHFS

distributes the county's allocation in reimbursement of claims submitted by the county for moneys expended for those services.

This bill specifies that DHFS may distribute no more than $4,500,000 of the basic county allocation in each fiscal year based on performance standards developed by DHFS for services funded by community aids. The bill provides that, if a care management organization under the family care program, created under the bill (see LONG–TERM CARE; FAMILY CARE), is available in a county, DHFS may dispose of the county's Alzheimer's family and caregiver support allocation and not more than 21.3% of the county's basic county allocation by transferring a portion of those allocations, as determined by DHFS, to the family care program to fund the services of resource centers and care management organizations under that program and by transferring a portion of those allocations, as determined by DHFS, to the county's allocation for adult protective services created under the bill.

On January 4, 1999, DWD assumed responsibility from the clerks of court for receiving and disbursing child support, maintenance, family support and other support–related payments. A payer of support or maintenance currently must pay an annual receipt and disbursement fee of $25 to DWD. This bill provides that the receipt and disbursement fee must be paid by wage assignment, just as support and maintenance payments are paid.

Current law provides that each order for child or family support, maintenance or spousal support is an automatic assignment of a person's wages to DWD in an amount that is sufficient to ensure payment of the amount under the order, as well as any arrearages due at a periodic rate that does not exceed 50% of the amount due under the order, as long as the additional amount for arrearages does not leave the person at an income below the federal poverty line. Current law also provides that, if an assignment does not require immediately effective withholding and the payer misses a payment, the court or family court commissioner may cause the assignment to go into effect by providing notice of the assignment to the payer's employer or other person from whom the payer receives or will receive money. The payer also receives notice and may request a hearing on whether the assignment should remain in effect.

This bill clarifies that the portion of the original assignment that was for any arrearages due is an assigned amount that does not require immediately effective withholding and that, if a payer accrues an arrearage by missing a payment, the assignment of the arrearage may be put into effect, without another court hearing, by providing notice to the payer and to a person from whom the payer receives or will receive money. The bill provides that, in addition to the court and the family court commissioner, the county child support agency may cause the assignment for arrearages to go into effect by sending the required notices.

The bill also provides that the wage assignment of a person obligated to pay support or maintenance continues in effect after the person no longer has a current obligation to pay if the person has an arrearage in the payment of support or maintenance. The amount of the assignment may be up to the amount that the

assignment was before the person's current obligation to pay support or maintenance terminated.

Under current law, in a number of situations the state may join in an action affecting the family (such as a divorce action or an action to enforce a child support order) as a real party in interest for purposes of establishing paternity or securing future support or reimbursement of aid paid. The most common situation is when a child or custodial parent of a child involved in the action is the recipient of certain services or benefits provided by the state. This bill adds another situation under which the state may join in an action as a real party in interest: if a custodial parent involved in the action is receiving food stamp benefits.

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Under current law, at the request of DHFS, health insurers must provide information to enable DHFS to identify MA recipients who are eligible, or who would be eligible as dependents, for health insurance coverage. This bill authorizes DHFS to provide any information that it receives from a health insurer to DWD. The two departments must agree on procedures to safeguard the confidentiality of the information.

Under current law, DWD certifies to the department of revenue (DOR) the names of individuals who are delinquent in the payment of child or family support, maintenance, medical expenses of a child or birth expenses (support). DOR uses the information to intercept income tax refunds that would be paid to those delinquent obligors. DWD also provides the certifications that it makes to DOR to various specified state agencies that make grants or loans to individuals. Any individual who is the subject of such a certification is prohibited from receiving a grant or loan.

Also under current law, if an individual who has a court–ordered obligation to make periodic payments of support fails to make a payment, the amount of the delinquent support automatically becomes a lien against all of the individual's property. DWD is required to maintain a statewide support lien docket that lists the delinquent obligors and the amount of support that each owes.

This bill eliminates the requirement that DWD provide to the various specified state agencies the certifications that it provides to DOR. Instead the bill prohibits each agency from making a grant or loan to an individual whose name appears on the statewide support lien docket, unless the individual provides to the agency a copy of a payment agreement that has been approved by a county child support agency for the payment of the delinquent support.

Under current law, the state receives federal foster care and adoption assistance funding under Title IV–E of the federal Social Security Act (generally referred to as IV–E funds), in reimbursement of moneys expended by the state and the counties for activities relating to foster care and the adoption of children. DHFS distributes IV–E funds as community aids to counties for the provision of social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount

that exceeds the amount of IV–E funds allocated as community aids in that year (excess IV–E funds), DHFS must carry forward to the next year those excess IV–E funds and distribute not less than 50% of those excess IV–E funds to counties other than Milwaukee County for services and projects to assist children and families.

This bill requires DHFS to distribute as community aids to counties other than Milwaukee County any MA funds received as reimbursement of moneys expended in those counties by the state and by the counties for case management services provided to children who are recipients of MA (MA targeted case management funds). The bill also provides that, if on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the combined amount of IV–E funds and MA targeted case management funds distributed as community aids in that year (excess IV–E and MA targeted case management funds), DHFS must carry forward to the next year those excess IV–E and MA targeted case management funds and distribute those excess funds to counties other than Milwaukee County for services and projects to assist children and families.

The bill also requires DHFS to establish and counties to implement a statewide automated child welfare information system (generally referred to as WISACWIS) before July 1, 2006; permits DHFS, beginning on July 1, 2001, to distribute excess IV–E funds only to counties that are making a good faith effort to implement WISACWIS; and permits DHFS to recover from a county that does not implement WISACWIS before July 1, 2006, any excess IV–E funds distributed to that county after June 30, 2001.

Under current law, general purpose revenue funds services for adolescent parents that emphasize high school graduation and vocational preparation, training and experience (otherwise known as adolescent self–sufficiency services); adolescent pregnancy prevention services; in Milwaukee County, services of an adolescent resource center and services related to development of adolescent parenting skills; and the provision of information to communities about problems of adolescents and information to and activities for adolescents to aid in skills development (otherwise known as adolescent choices project grants). This bill substitutes moneys that are received under the federal TANF block grant to fund all of these services.

Current law directs the adolescent pregnancy prevention and pregnancy services board to award grants to provide adolescent pregnancy prevention programs or pregnancy services. The grants currently are funded with general purpose revenue. This bill funds the grants with moneys that are received under the federal TANF block grant program.

This bill appropriates moneys derived from Indian gaming compacts to fund the American Indian drug abuse prevention and education program, to fund the delivery of social services and mental hygiene services to American Indians and to fund

vocational rehabilitation services for Native American individuals and federally recognized tribes or bands.

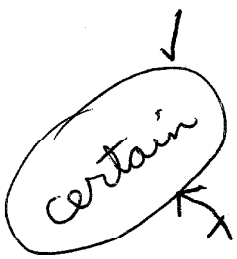
Currently, each person ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug (OWI) is required to pay a driver improvement surcharge of $340. A majority (62.4%) of the money collected from the driver improvement surcharge is used by the county where the violation occurred to provide alcohol and other drug abuse services to drivers who are referred for alcohol or other drug abuse assessment. A portion of the remainder of the money is used to provide chemical testing training to law enforcement officers and a portion is allocated by the secretary of administration to various state agencies for services related to OWI offenses.

Under this bill, of the money received by the state from the driver improvement surcharge, $290,900 is transferred to the department of transportation for the purchase of preliminary breath screening instruments. These instruments are used to test the breath of a person who is suspected of committing an OWI offense at the time that the person is stopped to help determine if an arrest is appropriate.

INSURANCE

This bill requires every managed care plan, which is, generally, a health care plan that requires insureds to obtain services from certain specified providers under contract with the health care plan, to offer at least one point–of–service coverage option in each geographical service area of the managed care plan. A point–of–service coverage option is a coverage option under which an insured may obtain health care services that are paid for by the health care plan from a provider of his or her choice, regardless of whether that provider is a participating provider of the insured's health care plan or a member of the health care plan's provider network.

This bill authorizes the office of the commissioner of insurance (OCI) to make a grant of not more than $200,000 to a private organization for the establishment of private health insurance purchasing pools for small employers. (Generally, small employers are those with 50 or fewer employes.) The private organization must submit a business plan to OCI and the commissioner of insurance must approve the plan before the grant may be made. OCI and the private organization must enter into a written agreement concerning the use of the grant proceeds, and the private organization must submit a report to OCI after spending the proceeds.



Under current law, most policy forms for all types of insurance must be filed with OCI and approved prior to use. This bill allows the commissioner to exempt classes of insurance policy forms from the requirement for prior filing and approval.

Currently, OCI charges various fees for services that it provides, as well as for its regulation of the insurance industry. This bill changes the amount of the fee that OCI charges an applicant for examination for a license as an insurance intermediary

and the amount of the fee for regulating an insurance intermediary each year after the year in which the intermediary's license was initially issued to amounts set by the commissioner by rule.

LOCAL GOVERNMENT

Under current law, a county board may engage in zoning and land–use planning that may result in the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan. The development plan may include a number of elements, such as comprehensive surveys, existing land–use, population, economy, soil characteristics, wetland and floodplain conditions and natural features of the county.

Also under current law, a city or village, or certain towns that exercise village powers, may create a plan commission to engage in zoning and land–use planning. The plan commission must adopt a master plan for the physical development of the city, village or town including, in some instances, unincorporated areas outside of the city or village. The master plan is required to show the commission's recommendations for such physical development, and must also contain a comprehensive zoning plan.

Also under current law, regional planning commissions (RPCs) may be created by the governor or, in response to a resolution submitted by the governing body of a city, village, town or county (political subdivision), by a state agency or official that the governor designates. Currently, there are eight multicounty RPCs in the state and one RPC that consists only of Dane County. Five counties, which are adjacent to Dane County, are not in an RPC. Generally, the membership composition of an RPC is specified by statute, and the governor may dissolve an RPC by the request of a majority of the local governments in the region.

An RPC is required to prepare a master plan for the physical development of the region, which must contain the RPC's recommendations for such physical development. The elements of an RPC's master plan are the same as the elements contained in a master plan developed by a city, a village and certain towns, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the RPC on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in an RPC, and the Dane County board, to vote on whether they want to participate in a new multicounty RPC. If at least two–thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city must

follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of an RPC that consists of only one county.

The bill also changes the requirements that must be contained in a county development plan or a city, village, town or RPC master plan. Under the bill, all such plans must do all of the following:

1. Include background information on the local governmental unit and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20–year planning period.

2. Include information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.

3. Address transportation issues and evaluate the relationship between the local governmental unit's transportation plans and state and regional transportation plans.

4. Guide the development of public and private utilities, governmental services and community facilities.

5. Guide the development of conservation policies for, and the effective management of, natural, historic and cultural resources.

6. Promote the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.

7. Provide for joint planning and decision making with other jurisdictions.

8. Guide the future development and redevelopment of public and private property in the local governmental unit.

9. Contain programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

The bill does not, however, require a local governmental unit to take any specific action at any particular time. If a local governmental unit that has not created a development plan or a master plan before the effective date of the bill does so, or amends an existing plan after the effective date of the bill, the new elements of a development plan or master plan that are contained in the bill must be used.

Under current law, most towns may incorporate as a city or village only after following certain procedures and receiving approval for the incorporation from a circuit court and from the department of administration (DOA). The circuit court must review the incorporation petition to ensure compliance with procedural and signature requirements and must make several determinations relating to minimum area and population density requirements of the area to be incorporated. This bill reduces the minimum area requirements from four square miles to three square miles under certain circumstances. DOA must also determine whether the proposed incorporation is in the public interest.

Current law allows any combination of cities, villages or towns (municipalities) to determine the boundary lines between them under a cooperative plan that is

approved by DOA. This bill authorizes municipalities that enter into a cooperative plan to include as part of the plan the incorporation of all or part of a town into a city or village. Because an incorporation that is part of a cooperative plan may not take effect unless it is approved in a referendum, such a plan must include a contingency cooperative plan that will take the place of the plan if the proposed incorporation is defeated in the referendum. An incorporation as part of a cooperative plan is subject to DOA review and very limited circuit court review.

Under current law, a city, village, town or county (political subdivision) may create an environmental remediation tax incremental district (ERTID) to defray the costs of remediating contaminated property that is owned by the political subdivision. The mechanism for financing eligible costs is very similar to the mechanism under the tax incremental financing (TIF) program.

Under this bill, ER tax incremental financing may be used to defray the costs of remediating contaminated property that is owned by private persons.

Currently, before a political subdivision may use ER tax incremental financing, it must create a joint review board that is similar to the current tax incremental district (TID) joint review board, or a city or village may use an existing TID joint review board, to review the political subdivision's proposal to remediate environmental pollution. If the joint review board approves the proposal, the political subdivision may proceed with its plan. An ERTID joint review board is made up of one representative chosen by the school district that has power to levy taxes on the property that is remediated, one representative chosen by the technical college district that has power to levy taxes on the property, one representative chosen by the county that has power to levy taxes on the property that is remediated, one representative chosen by the political subdivision and one public member.

This bill clarifies that the joint review board consists of one representative from each of the taxing jurisdictions that has power to levy taxes on the property in the ERTID.

Under current law, if more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property that is remediated, the unit in which is located property that has the greatest value chooses that representative to the board. Under the bill, a similar provision applies if more than one city, village or town has the power to levy taxes on the property that is remediated.

Currently, a political subdivision that has incurred eligible costs to remediate environmental pollution on a parcel of property may apply to the department of revenue (DOR) to certify the environmental remediation tax incremental base (ERTIB) of the parcel.

Under the bill, the environmental remediation does not need to be completed before a political subdivision may apply to DOR to certify the ERTIB. The political subdivision is required, under the bill, to submit to DOR a statement that the political subdivision has incurred some eligible costs and to include with the statement a detailed proposed remedial action plan that contains cost estimates for anticipated eligible costs. The political subdivision is also required to include

certification from DNR that the department has approved the site investigation report that relates to the parcel.

Currently, eligible costs are costs related to the removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution. Eligible costs are reduced by any amounts received from persons who are responsible for the discharge of a hazardous substance on the property and by the amount of net gain on the sale of the property by the political subdivision.

This bill includes in eligible costs property acquisition costs, costs associated with the restoration of air, surface water and sediments affected by environmental pollution, demolition costs including asbestos removal, and the costs of removing and disposing of certain abandoned containers. The bill reduces eligible costs by any amounts received, or reasonably expected by the political subdivision to be received, from a local, state or federal program for the remediation of contamination in the district and that do not require reimbursement or repayment. Under the bill, a political subdivision is authorized to use an ER tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision.

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village. In a county with a population of at least 50,000, DOA is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation.

Under this bill, the period of time under which DOA renders its opinion is expanded from 20 days to 60 days. DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or does not conform to generally accepted standards for the preparation of legal descriptions or scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process may proceed.

Currently, an annexation ordinance takes effect upon the enactment of the ordinance. Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

Under the current blighted area law, cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current Blight Elimination and Slum Clearance Act, a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Under the TIF program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

This bill adds environmental pollution to the current definition of a blighted area under the blighted area law, the Blight Elimination and Slum Clearance Act and the TIF program.

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access.

This bill specifically authorizes the custodian of any record of a local governmental unit to withhold from access information contained in a record of the governmental unit pertaining to the home address or home telephone number of any employe of that governmental unit.

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

This bill changes the fees charged by the department of natural resources (DNR) for certain hunting and fishing approvals. For hunting, the bill increases the fees for all resident hunting licenses except turkey hunting licenses and small game hunting licenses issued to certain persons. The bill increases the fees for all nonresident hunting licenses except turkey hunting licenses. The bill also increases the fees for trapping licenses, bonus deer hunting permits and wild turkey hunting stamps. The bill decreases the fee for pheasant hunting stamps.

For fishing approvals, the bill increases the fees for resident annual fishing licenses and fishing licenses issued jointly to resident married couples. The bill increases the fees for all nonresident fishing licenses except two–day sports fishing licenses. The bill increases the fee for sturgeon spearing licenses and decreases the fees for inland waters trout stamps and Great Lakes trout and salmon stamps.

This bill increases the fees charged by DNR for licenses for wild animal game farms, except fur animal farms, and for wildlife exhibits.

The bill also authorizes DNR to impose surcharges for the following licenses:

1. Licenses for game farms on which there are bears or cougars.

2. Licenses for game farms on which the licensee permits an individual to hunt game birds for a fee.

3. Licenses for game farms on which the licensee sells game animals, the gross revenue from which is $10,000 or more in the preceding license year.

Under current law, state agencies, including DNR, must release certain information to a third party upon that party's request. This bill changes this requirement as it applies to information about holders of fish and game licenses, stamps and other approvals (approval holders) as follows:

1. DNR may not release any information about approval holders who are under the age of 18 or about approval holders who request that DNR not release any such information.

2. DNR may, at its discretion, release the names and addresses of, and demographic information about, all other approval holders and may produce and sell lists of the names, addresses and demographic information.

3. DNR may not release telephone numbers or driver's license numbers of approval holders, or approval numbers or identification numbers given to approval holders by DNR, under any circumstances.

Under current law, DNR may issue bonus deer hunting permits to state residents and nonresidents who hold deer hunting licenses in order to control the state's deer population. This permit allows the holder to kill an additional deer. Under current law, most applicants must pay a fee for this permit. Also under current law, DNR or its agents collect an issuing fee for most fish and game licenses. This bill requires that if a person must pay a fee for a bonus deer hunting permit, he or she must also pay an issuing fee.

Under current law, DNR appoints agents to issue fish and game approvals. DNR may charge a handling fee to cover the costs incurred by DNR in issuing these approvals by mail, telephone or electronic means. Under this bill, DNR may authorize any of its agents to collect and retain this handling fee.

This bill requires that DNR establish a system to allow a hunter to reserve the same deer hunting back tag number each year upon payment of a reservation fee. DNR may limit the number of back tag numbers that may be reserved.

This bill grants DNR specific authority to promulgate rules to regulate wildlife rehabilitators. The rules may include a system for issuing rehabilitator licenses or permits.

Under current law, if DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty–based, off–reservation rights to fish, the band may elect to issue DNR fishing licenses and DNR inland waters trout stamps as an agent of DNR and to retain the fees that the band collects for these licenses and stamps. Current law also authorizes DNR to pay the band an amount equal to the amount that DNR collects from its other agents who issue DNR fishing licenses and trout stamps on the reservation if the agreement is in effect. Under current law, these payments are made from the conservation fund.

This bill provides additional funding for these payments from moneys received by the state under Indian gaming compacts.

This bill provides funding to DNR for costs associated with the management of the state's elk population from moneys received by the state under Indian gaming compacts.

NAVIGABLE WATERS

Under current law, with certain exceptions, a riparian owner may not place a structure or deposit or conduct certain other activities in a navigable body of water without first obtaining a permit from or entering into a contract with DNR. For most structures, deposits or activities (riparian activities) that require a permit or contract, the procedure for obtaining the permit or contract requires that DNR provide notice to the public in a newspaper that is likely to give notice in the area where the riparian activity will be located and to the county and city, village or town (municipality) in which the riparian activity will be located. If DNR receives a written objection in response to the notice, it must hold a public hearing on the issue of whether it should approve the permit or contract. DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that substantial interests of any party may be adversely affected by the granting of the permit or contract. For certain other riparian activities that require permits, current law does not require this notice and hearing procedure. These riparian activities include the placement of fish cribs, bird nesting platforms, gravel, riprap and bridges less than 35 feet wide and the enlargement of certain artificial waterways.

This bill changes these public notice and hearing procedures. These changes include the following:

1. The first notice issued by DNR must contain a preliminary decision of whether to grant the permit or the contract instead of stating that DNR will render a decision without a hearing unless a substantive written objection is received within 30 days. The preliminary decision becomes final if no such objection is received within 30 days.

2. If DNR receives such an objection, it must distribute a notice to certain interested parties. Also, for certain types of permits or contracts and wherever DNR determines that an environmental impact assessment is required, the applicant for the permit or contract must publish a notice containing the preliminary decision in an area newspaper.

3. If an objection is timely filed in response to these notices DNR must determine whether it is a substantive written objection and, if so, whether the riparian activity affects a public right or interest in navigable waters. If DNR determines the objection is substantive and that the riparian activity affects a public right or interest, DNR must offer the person making the objection the choice of a public hearing before an administrative law judge, an informal hearing before DNR staff, or a dispute resolution proceeding. If DNR determines that the objection is substantive but that the riparian activity does not affect a public right or interest, DNR must offer the choice between the informal hearing and the dispute resolution proceeding.

The riparian activities that are subject to these notice and hearing requirements under current law continue to be subject to the requirements under the bill. The bill also applies the requirements to the permits and contracts to remove material from beds of navigable waters.

Under current law, DNR must issue permits authorizing activities in navigable waters such as the placement of structures or deposits. For certain types of activities in navigable waters, DNR may issue a general permit that allows anyone to engage in a type of activity as opposed to an individual permit to a specific individual who wants to engage in the activity. Currently there are two programs under which DNR issues general permits. One applies throughout the state (regular program). The other program is a five–year project for the Wolf River and Fox River basin area, under which DNR issues general permits for any activity in navigable waters that requires a permit (pilot program). Under both programs, DNR issues a general permit if it determines that the environmental impact of the activity is insignificant and that the issuance of the permit will not cause pollution or injury to the rights of the public or riparian property owners.

This bill eliminates the pilot program and makes the following changes in the regular program:

1. DNR may issue a general permit for any activity that requires a specific permit or a contract. Under current law, DNR may issue general permits for only certain activities that require permits such as placement of fish cribs, bird nesting platforms, gravel and riprap and the enlargement of certain waterways.

2. A time limit of five years is imposed on any general permit. There are no time limits under the current two programs.

3. A person is allowed to maintain a structure or deposit or continue an activity under the authority of a general permit after the general permit is no longer in effect unless DNR determines that the structure, deposit or activity is detrimental to a public right or interest in navigable waters.

4. Only municipalities, public inland lake protection and rehabilitation districts, town sanitary districts and groups of ten or more riparian owners that would be affected by the issuance of a general permit may apply for a general permit. Under the current regular program, anyone may apply. Under the pilot program, these specific persons plus any contractor who has been involved in placing structures along navigable waters and certain local entities such as certain lake associations and nonprofit conservation organizations may apply.

5. Public notice must be given and in certain cases, a public hearing must be held before DNR may issue a general permit for any activity. Under the pilot program, notice and hearing are required only if they are required before DNR issues an individual permit for the activity in question. Under the regular program there are no notice or hearing requirements because the types of activities for which general permits are available have no notice and hearing requirements before DNR may issue the permit.

6. A person conducting an activity under a general permit must comply with any local ordinance that contains standards that are at least as restrictive as those contained in the general permit. Currently, the pilot program requires compliance with any applicable local ordinances.

7. The fee structure for general permits and for authorization to act under general permits is incorporated from the pilot program.

8. DNR may inspect projects or activities in navigable waters that are undertaken pursuant to permits issued or contracts entered into by DNR. Currently the pilot program has similar provisions.

Under current law, most boats must have certificates of number or of registration that are issued every two years for a fee by DNR. The fees are generally based on the size of the boat. This bill increases these fees by 50% and increases the period of certification and registration to three years.

Under current law, DNR awards grants for planning projects to provide information on the quality of water in lakes. DNR also awards grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes. The bill also specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

This bill creates a new grant program for river protection activities for certain rivers. The program includes grants for both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. The river protection management grants may be used to purchase land or conservation easements in order to protect or improve a river or its ecosystem, to restore in–stream or shoreline habitat and to install pollution control practices. DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of $10,000 on each planning grant and a limit of $50,000 on each management grant. Cities, villages, towns, counties, special purpose districts, river management organizations that meet certain qualifications and nonprofit conservation organizations are eligible for these grants.

Under current law, no permit is required from DNR for highway and bridge work that is directed and supervised by the department of transportation (DOT) and that involves the placement of structures or the deposition of material in navigable waters of this state if the work is accomplished in accordance with interdepartmental liaison procedures established by DOT and DNR for minimizing the adverse environmental impact of the work.

This bill exempts any transportation project, including rail, harbor and airport projects, directed and supervised by DOT from having to obtain a permit from DNR to place structures or deposit material in navigable waters if the transportation project is accomplished in accordance with the interdepartmental liaison procedures. The bill also allows DOT, in connection with a transportation project, to construct, dredge or enlarge any artificial waterway connecting to a navigable

water without obtaining a permit from DNR if the project is accomplished using the interdepartmental liaison procedures.

Under current law, DNR awards grants to municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if the activities cost less than maintaining, repairing, modifying or removing the dam. Currently, at least $250,000 of the $11,850,000 in grant assistance must be spent to remove dams that are less that 15 feet wide and that create impoundments of 50 acre–feet or less. This bill changes these size requirements to 15 feet in height and 100 surface acres.

This bill authorizes DNR to charge a fee for providing any information that DNR maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information.

RECREATION

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by an adult. A minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under this bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to current law for minors under 12 years old.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. This bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all–terrain vehicle and from operating a snowmobile or all–terrain vehicle with a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all–terrain vehicle or boat.

This bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order and to order out of operation a snowmobile found to be unsafe for operation or in violation of required equipment standards. Conservation wardens may issue a repair order to the owner or operator of the snowmobile in addition to or instead of any penalties that apply to violating the equipment standards. The bill also prohibits DNR and Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

Under current law, DNR administers a registration system for all–terrain vehicles, boats and snowmobiles. This bill authorizes DNR to appoint agents, who may be county clerks or other persons not employed by DNR, to issue all–terrain vehicle and snowmobile registration certificates and to renew certain all–terrain vehicle and snowmobile certificates and all certificates of number and registration for boats. The bill also authorizes DNR to establish an expedited service for these renewals, which may be used by the agents or by DNR directly.

The bill establishes a fee of $3 for the issuance of these registration documents by DNR agents and requires that the agents remit $2 of each issuing fee to DNR. The bill authorizes DNR to establish a supplemental renewal fee for renewals done by agents or for the use of expedited services by persons who wish to renew the certificates immediately and in person.

Under current law, DNR provides supplemental aid for the maintenance and grooming of state and county snowmobile trails if the actual cost of maintenance or grooming exceeds the amount determined under the trail aids formula, which sets a maximum amount per mile of trail. Currently, this supplemental aid is funded by moneys transferred from the transportation fund to the conservation fund. The amount transferred annually equals 40% of the estimated amount of excise tax paid on gasoline by operators of snowmobiles registered in this state.

This bill provides additional funding for these supplemental trail aids from the fees charged by DNR for snowmobile trail use stickers, which are required on most snowmobiles that are operated in this state but not registered in this state.

This bill provides funding for snowmobile enforcement and safety activities from moneys received by the state under Indian gaming compacts.

OTHER NATURAL RESOURCES

This bill creates the natural resources land endowment fund, which is a nonlapsible trust fund consisting of gifts, grants and bequests made to the fund. Moneys in the fund may be used by DNR to preserve, develop, manage and maintain lands under the jurisdiction of DNR that are used for conservation or recreational purposes.

This bill authorizes DNR to pay rewards to individuals who provide information to DNR that leads to a finding by a court that a person has committed

a violation of one of the statutes, administrative rules or ordinances enforced by DNR. The bill authorizes the natural resources board to evaluate reward claims and determine whether, and in what amount, a reward will be paid.

Under current law, DNR may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. This bill authorizes DNR to designate, acquire, develop and manage land for the purpose of conserving the state's natural resources. DNR must designate such lands state natural resource areas. DNR may allow various resource management and recreational uses within the boundaries of the state natural resources areas.

Under current law, DNR administers four programs instructing persons in the safe use of snowmobiles, boats and all–terrain vehicles and in the safe use of firearms and bows for hunting. Each program has somewhat different provisions establishing or regulating the instruction fee charged for participation in the program and the portion of that fee that the instructor may keep to cover his or her expenses. This bill makes these provisions uniform. Under the bill, all of these fees are set by rule by DNR and the instructor may keep up to 50% of the fee. As under current law, the portion of the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund.

Under current law, the Minnesota–Wisconsin boundary area commission is a joint commission created by a compact entered into between Minnesota and Wisconsin. The commission addresses issues relating to land and water use along the boundary between the two states. This bill repeals the authorization for Wisconsin's representation on the commission and withdraws Wisconsin from the compact and the joint commission.

This bill annually transfers $2,000,000 in moneys received by the state under Indian gaming compacts to the conservation fund.

Under current law, DNR administers the stewardship program, under which funding is provided for various conservation purposes. This bill allows DNR to spend up to $500,000 from stewardship funds for the establishment and development of a state park that will provide access to Lake Michigan from the city of Milwaukee. Current law limits the use of some of the area to be included in the state park to only navigation and fishery purposes. This bill allows this area to also be used for public park purposes.

This bill appropriates federal moneys for the construction of pedestrian and bicycle facilities along Lake Michigan in the city of Milwaukee.

Currently, DNR's administrative rules establish water quality standards for wetlands. Activities that are carried out by DOT in connection with highway and

bridge construction and maintenance are exempt from these rules if the activities comply with certain interdepartmental procedures established by DNR and DOT for minimizing the adverse environmental impact of the activities. This bill creates an additional exemption from these wetland water quality standards for activities that affect wetland areas if the wetland area that will be affected is less than 15 acres, the activity is in a city in Trempealeau County and the city adopts a resolution stating that the exemption is necessary to protect jobs or promote the creating of jobs in the city. The bill also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity.

Currently, DNR requires that certain persons provide performance bonds or other surety when entering into a timber sale contract to cut or remove timber products from state forest lands. This bill appropriates to DNR all the money it receives from such a surety for any costs incurred to repair or otherwise remedy any damage caused by the person while performing under the contract.

Under current law, DNR awards grants for fire–fighting equipment to cities, villages, towns, counties and fire–fighting organizations. The grant recipient must agree to assist DNR in fighting forest fires when requested to do so by DNR. This bill eliminates the current sunset for the program of June 30, 1999.

OCCUPATIONAL REGULATION

This bill changes the fees that the department of regulation and licensing (DORL) charges for all initial and renewal credentials of the occupations and businesses that DORL regulates except for renewal credentials for aesthetics schools, barbering or cosmetology schools, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools and manicuring schools.

This bill requires DORL to prepare proposed legislation that establishes a process for annually evaluating the necessity of at least 25% of the credentialing boards in DORL and eliminating those that are unnecessary. The proposed legislation must also establish four–year credentials instead of two–year credentials under current law.

This bill requires DORL to promulgate rules that establish additional fees that an applicant must pay if the applicant requests DORL to process an initial application for a credential or a renewal application on an expedited basis.

Under current law, DORL may, under certain circumstances, cancel a credential if the credential holder pays an initial or renewal credential fee with a check that is not paid by the bank upon which the check is drawn. This bill allows

DORL to cancel a credential under the same circumstances for payment by a credit or debit card.

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with DORL. Under this bill, such a registration is required if a cemetery authority sells ten or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ten or more lots or spaces, but does not sell ten or more lots or spaces, is not required to register. The bill also specifies that a cemetery authority must file a separate registration with DORL for each cemetery at which it sells ten or more cemetery lots or mausoleum spaces in a calendar year.

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

Under current law, an employe of an audiologist or speech–language pathologist who assists the audiologist or speech–language pathologist is exempt from audiologist or speech–language pathologist licensure requirements. This bill expands this exemption to cover any individual, not just an employe, who provides assistance to an audiologist or speech–language pathologist.

RETIREMENT AND GROUP INSURANCE

Under current law, a participating employe in the Wisconsin retirement system (WRS) may purchase any creditable service that he or she may have forfeited in the past. To reestablish the creditable service, the participating employe must submit an application to the department of employe trust funds (DETF) for all of the creditable service that he or she forfeited and pay a lump sum that equals the employe's statutorily required contributions on his or her earnings for each year of creditable service.

This bill permits a participating employe to submit more than one application to purchase forfeited WRS creditable service and allows the participating employe to purchase all or part of the creditable service that he or she forfeited in the past.

Under current law, a participant in WRS may elect to receive a social security integrated annuity. A social security integrated annuity allows a participant to

receive a higher WRS annuity before the age of 62 than he or she would ordinarily receive. When the participant begins to receive social security payments at the age of 62, the WRS annuity is reduced to an amount that is less than he or she would ordinarily receive. The amount of the accelerated WRS monthly annuity received by the participant before he or she attains the age of 62 equals the sum of the WRS monthly annuity and the social security monthly annuity received by the participant after he or she attains the age of 62. Under current law, however, if the participant dies before the age of 62, the death benefit is based on the reduced WRS benefit.

Under this bill, if the participant dies before the age of 62, the death benefit is computed as if the person died in the month in which the annuitant would have attained age 62. Thus, the death benefit paid will include the higher WRS annuity of a participant who was receiving a social security integrated annuity.

Under current law, with certain exceptions, if a state employe terminates employment in a position that is covered under WRS and has attained the minimum age to begin receiving a retirement benefit, or if a state employe is laid off, the employe's accumulated unused sick leave may be converted to credits for the payment of health insurance premiums during the employe's retirement or period of layoff.

This bill provides that, for most state employes, the credits may be used only to purchase health insurance under a plan contracted or provided by the group insurance board. However, for judges and district attorneys who became state employes in 1978 and 1990, respectively, and who elected to keep their county health insurance coverage, the credits may also be used to purchase health insurance provided by a county.

In addition, the bill authorizes the secretary of employe trust funds to promulgate rules permitting all state employes to use the credits for the purchase of additional health insurance, but only if the use of the credits to purchase the insurance will not result in the credits being treated as income under the Internal Revenue Code.

Under current law, DETF may not credit interest to moneys paid in error to DETF or to moneys paid to DETF by participants or employers that exceed Internal Revenue Code limits on contributions to a qualified governmental plan, such as WRS. This bill provides that DETF may credit interest on these moneys at a rate established by rule.

In addition, under current law, in the event DETF makes certain annuity underpayments that are not corrected within 12 months, DETF must pay interest on the amount of the underpayment at a rate of 0.4% for each full month during which the underpayment occurred. This bill provides that DETF must pay interest on the amount of the underpayment at a rate established by rule and eliminates the requirement that the underpayment not have been corrected within 12 months.